



Second Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS
(HANSARD)**

40 Elizabeth II

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

LIB - Liberal; ND - New Democrat; PC - Progressive Conservative

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, May 10, 1991

The House met at 10 a.m.

PRAYERS

ROUTINE PROCEEDINGS

TABLING OF REPORTS

Hon. Glen Findlay (Minister of Agriculture): Mr. Speaker, I would like to table the Annual Report for '89-90, Manitoba Mediation Board.

MINISTERIAL STATEMENTS

Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Citizenship): Mr. Speaker, I have a ministerial statement and copies for the House.

I am honoured to have the opportunity to address the House today and invite all members to join with me in celebrating Manitoba's 121st birthday.

On May 12, 1870, Royal Assent was given to The Manitoba Act which created the province of Manitoba, paving the way for the proclamation on July 15 of the same year.

On the occasion of the province's centennial in 1970, this Legislature designated May 12 as Manitoba Day in perpetuity, in recognition of the importance of this date in the history of the province. It is a time to reflect and to celebrate.

Earlier this year, I brought to the attention of this House the 75th Anniversary of granting the vote to Manitoba women by this Legislature, the first provincial government in Canada to do so. It is a record among many which all members of this House can be proud of.

The first woman to be elected to the provincial Legislature was Mrs. Edith Rogers in 1920. She was one of 10 elected from the city of Winnipeg.

The first woman to hold a cabinet position was Thelma Forbes, who also holds the distinction of being the first woman to be elected Speaker.

* (1005)

At present there are 11 women members of the Chamber. I expect there will be a future Manitoba Day where reference will be made to a legislative Chamber populated by similar numbers of men and women.

The 1991 Manitoba Day festival, scheduled for Sunday, May 12, 11 a.m. to 5 p.m. at The Forks, salutes the suffragette movement as seen in the collections of community museums, provincial heritage organizations and provincial women's organizations.

Co-ordinated by my department, the festival will present a glimpse of changing aspects of provincial life as it has impacted on women. The day will conclude with the presentation of the Prix Manitoba Award for heritage at a show sponsored by the University Women's Club of Winnipeg at the Walker Theatre.

I invite all members to join in the celebration of Manitoba's 121st birthday. Thank you.

Ms. Becky Barrett (Wellington): Mr. Speaker, I rise on behalf of the official opposition to join with the minister in the recognition of May 12 being an important day, not only for the province of Manitoba, but for most of the women of Manitoba. The aboriginal women have far fewer years to celebrate having the vote, and I think that it would be very helpful if the day of recognition makes a comment on that as well.

Also reflect on the role that women have played in the province's history, in the role that women continue to play in the province's history, and I look forward to the day when women are represented, as the minister has stated, reflecting their numbers, their importance, their backgrounds and the abilities that they can bring to all segments of this society, including representation in this Legislature.

I think, as well, that I look forward, as do members of my caucus, to the day when services and programs that support women in their desires and their drives and their rights to be full participating members in our society are adequately reflected by the programs and policies and budgets of this government. Thank you very much.

Mr. James Carr (Crescentwood): Mr. Speaker, at a time when our country is looking closely at its history and the way in which all of us, as Canadians, can get along together in a tolerant society, I think it is appropriate that we pause for a moment today in

the Legislature to celebrate 121 years of provincehood by Manitoba.

We grew out of a multicultural mosaic of people who came from all parts of the world to join those who were from French ancestry, Scottish and British ancestry, all, of course, with the base of aboriginal and Metis people who took this prairie and made it into the dynamic society that it is today.

It is important that we pause and reflect on our history as we look toward the future, that we have been able to build in this province a society of tolerance and a respect for difference.

We also look forward to the day when women will take their rightful place as full participants in the political life of our province. We know that all of us want to take in our own lives a leadership role to encourage the full participation of women, so we in the Liberal caucus join with the remarks of the minister responsible for Culture and Heritage, and the official opposition, in saying a very hearty Happy Birthday to Manitoba.

Thank you, Mr. Speaker.

* (1010)

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, may I direct the attention of honourable members to the Speaker's Gallery, where we have with us this morning Mr. Robert Kott, the Consul General for the United States of America.

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

Also with us this morning, we have 78 visitors from the Edina High School Concert Band from Edina, Minnesota. They are under the direction of Katie Sullivan.

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

ORAL QUESTION PERIOD

Health Care System - National Western Premiers' Discussions

Mr. Gary Doer (Leader of the Opposition): Mr. Speaker, the Prime Minister in 1983, prior to the federal election in 1984, called the medicare system in Canada a sacred trust. He also promised in New Brunswick to restore the 50-50 financing to our medicare system in the country.

Of course, we have seen this Tory promise, like many others, has been blowing in the wind with the recent federal budgets. We also know that the western Premiers are split on the whole issue of medicare and health care funding. Provinces have been leaking out reports that we have produced in this House showing clearly a split between the Tory Premiers of western Canada on how we will finance medicare in the future and how we will preserve and enhance medicare.

I would ask the Premier: Does he have any strategy to deal with his western Premiers, so that we can go to the federal table in the next crucial 18 months with a united western Canadian stand on saving and preserving medicare and enhancing it back to the level where it was before as a truly Canadian national program?

Hon. Gary Filmon (Premier): Mr. Speaker, there is no split when it comes to ensuring that the federal government, regardless of which political stripe is in office, meets its obligations to fund medicare to the greatest extent possible and necessary across this country.

In fact—Mr. Speaker, I wonder if the member for Dauphin (Mr. Plohman) could contain himself and allow me to respond to what I think was a legitimate question by his Leader. I think that is very discourteous of him to his Leader to interrupt the response.

All of us believe that the federal government has the primary responsibility to ensure that medicare, regardless of where we are in this great country of ours, is able to be provided to the highest standards possible. In fact, I believe that what the federal governments successively have been doing since the Trudeau years in 1982, of reducing their equalization and EPF transfer payments for health and post-secondary education, has done more to erode the bonds of national unity than any other thing that they have been doing in a constitutional sense, Mr. Speaker. That is the position I will be taking to the Western Premiers' Conference.

That is a position I believe will be supported by all western Premiers, because we believe, fundamentally, this to be a responsibility of the federal government and that their offloading and their reduction in transfer payments is weakening the bonds of national unity and, indeed, threatening medicare.

Mr. Doer: I thank the Premier for the answer. We think there is a very big split when there is a split

between the western provinces and the western Tory Premiers on EPF and user fees in our medicare system, so I would suggest to the Premier there is a lot bigger split than was alluded to in the answer he just gave this Chamber.

Federal-Provincial Relations Programs Funding

Mr. Gary Doer (Leader of the Opposition): A further question to the Premier, the Premier has indicated that Manitobans want action, not words, from their federal government. I would ask the Premier, in his meeting tonight with the federal minister, Minister Clark, whether Manitobans can expect action on the EPF, on RCMP funding, on ACCESS programs, on forest fire compensation, on agricultural offloading that he has mentioned in his budget and the many other programs in the federal jurisdiction that Manitobans now want action on, not words from the Premier and the federal ministers of federal-provincial relations.

Hon. Gary Filmon (Premier): Mr. Speaker, the Leader of the Opposition alludes to knowledge of splits. The fact of the matter is that he is somebody who takes information and then regurgitates it and recasts it in his own desires for political purposes. He can make all the allegation he wants.

I can tell him that the report of the western Finance ministers on funding for health and post-secondary education was absolutely clear and unequivocal and supported by all four western Premiers, that the offloading and the reduction of transfer payments was indeed an issue on which we all agreed that Ottawa must accept its responsibility.

I can tell him that the whole list of issues that he has put forth with respect to federal-provincial relations are ones that I have stated publicly. Obviously, one of his assistants was watching my news conference this morning, because I said in the course of my discussions with the media that, indeed, all of these are issues that I believed that Mr. Clark ought to be aware of with respect to federal-provincial relations, because they are part of our agenda to have all those issues addressed.

They are federal responsibilities that have not been carried out with respect to Manitoba, and we intend to ensure that when we are discussing all matters of federal-provincial relations, these are issues that have to be addressed in order to re-establish good relationships between Ottawa and the provinces, including Manitoba.

* (1015)

Mr. Doer: Mr. Speaker, the Premier will note that we have asked these questions to the Premier in his own Estimates last week, last year, a year ago before that, so these are not new items coming out of a news conference this morning. These are long-term outstanding issues with this Premier and the federal Tory government in Ottawa.

Municipal Funding Reductions

Mr. Gary Doer (Leader of the Opposition): Mr. Speaker, the Premier has talked about facts, not words, in dealing with the federal government. The federal government's revenues to Manitoba are increasing 5.2 percent in the Minister of Finance's own budget, yet the increases to the municipalities, some places are being cut, programs are being offloaded in terms of roads and other infrastructure programs in the province of Manitoba.

We have a flat increase in agricultural support—more money for GRIP, less money for other programs. Natural Resources is being cut. Many of the programs to municipalities, to Northern Affairs, to Urban Affairs are being cut by his government, not increased 5 percent.

I would ask the Premier: Does he think he has weakened his own bargaining position, given the fact that he has accused the federal government of being dishonest in the last provincial budget, by acting the same ideologically right-wing way in his own offloading with his own municipalities across the province? Do you think he has weakened our bargaining position by following the Mulroney approach to our own municipalities?

Hon. Gary Filmon (Premier): Mr. Speaker, I want to correct the member, because he did not get the right information passed along to him by his assistant who was at the news conference I gave. I said not that we want facts, not words; I said we want action, not words. That was my specific quote, so he can correct that if he will.

Mr. Speaker, it is very clear, with respect to the information contained in our budget, that on cash transfers on EPF from Ottawa, we were getting \$32 million less this year than we did last year. Despite that, we are spending \$90 million more on health care, our No. 1 priority. Despite that, we are spending some \$35 million more on Social Services. Despite that, we are spending some \$23 million

more on Education. Despite all of that, we still have obligations to a whole range of programs and issues. We have said to those who are in areas, in keeping with the statements that he made when he argued in this House—and he argued in this House that it was fair for his government to cap transfers to the municipalities, so instead of getting 19 percent, which they were entitled to, he reduced them by 13 percent all the way down to 6 percent that year.

He said, Mr. Speaker, that was fair because the provincial government has to provide for health care, has to provide for education, has to provide for social services, for environment and all those things. He cut them 13 percent over what they were supposed to be getting, and he said it was justifiable. We believe that we all have to share at a time when we are getting less money by way of cash transfers from Ottawa. We have to share that burden with all of those who are in the province of Manitoba. We have tried to be fair, and we have tried to be reasonable in doing that.

* (1020)

Employment Programs Government Initiatives

Mr. Leonard Evans (Brandon East): I have a question for the Minister of Finance (Mr. Manness). We continue to hear of layoffs, Mr. Speaker. Today, the Winnipeg Sun has announced a layoff of 15 people. A few days ago, Sears announced a layoff of 65 people, Selkirk Rolling Mills are laying off 42, closure of retail stores at Portage Place, trucking firms laying off people, and on and on and on. Today, the labour force statistics show a serious weakening in the Manitoba economy. There are 13,000 more unemployed people in Manitoba today than a year ago. The actual rate is down 2.5 percentage points. It has gone up 2.5 points from 7.1 to 9.6.

I would like to ask the Minister of Finance: In view of this very serious weakening of the economy, is the Minister of Finance, is this government now prepared to do something, take some action to help reduce unemployment, to help reduce the number of unemployed, the 52,000 people unemployed in this province?

Hon. Gary Filmon (Premier): Mr. Speaker, none of us feel good about the fact that there are difficulties in the national recession that we face. The member for Brandon East quotes the figure that there are 13,000 fewer people employed in this

province than there were a year ago. Regrettably, that is accurate. I say to him though, in NDP-run Ontario there are 213,000 fewer people employed than in our province on an April versus April basis. That is the kind of result you get from New Democratic Party policy, where they try to spend their way out of a recession. They drive jobs out by the hundreds of thousands. They raise the deficit level to unheard of proportions, \$9.7 billion. They raise the entire debt of the province by 20 percent in just one budget. That, of course, destroys investment, jobs, long-term security. I say, regrettably, we are working very, very diligently. We are keeping our tax levels down, and we are making sure that, when the recovery comes later this year, as it will, Manitoba will benefit from that recovery more than Ontario, which is mired in a sea of debt.

Mr. Leonard Evans: Mr. Speaker, I would refer the Premier to the fact that the seasonally adjusted rate has dropped in Ontario this month from last month, and furthermore, we will see what happens during the next year. We will see what happens. At least you have a budget in Ontario that is fighting the recession instead of creating more unemployment.

Has the minister or the Premier any explanation for the loss of 18,000 jobs in the past year? Mr. Speaker, these 18,000 jobs are all full-time jobs that have been lost in the province. Where did the 18,000 full-time jobs go to?

How can you possibly say, after three years of government, that your economic policies are working?

Mr. Filmon: The member refers to Ontario's short-term recovery from month over month. I am sure that, when he looks at the figures, he will be interested in knowing that they are primarily in the service and part-time work area. Those are the kind of McJobs that his Leader referred to again. He is now promoting Ontario's McJobs policy. I am sure that his Leader will be very embarrassed by that. I repeat for him, in a time in which there have been 13,000 jobs lost April over April in Manitoba, there have been 213,000 jobs lost in the province of Ontario under his friends, the New Democratic government.

I repeat for him that Manitoba, although we want to do better and are working very diligently to do better, remains the third lowest unemployment rate in the country on a seasonally adjusted basis. I repeat for him that this province is keeping its taxes down and its debt load down so that when the

recovery begins later this year, we will be in a position to take advantage of it. We met on Wednesday of this week with the Investment Dealers Association of Canada who said, and I quote: The Manitoba economy is well positioned to benefit from recovering economies in Canada and the United States later this year as a result of the policies that we are implementing.

Employment Programs Status Report

Mr. Leonard Evans (Brandon East): I hate to do this, but the First Minister is incorrect in some of his figures. There are 13,000 more people unemployed, but in terms of employment, there are 18,000 fewer jobs in Manitoba, and the reason for the difference is because the labour force has shrunk. We have fewer people in the labour force. I guess they are going to Ontario or B.C. or Alberta, I do not know, but we have a smaller labour force—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please.

* (1025)

Mr. Leonard Evans: There will be more going to Saskatchewan and B.C. after the next election, Mr. Speaker.

Can the Premier (Mr. Filmon) or the Minister of Family Services now tell us what has happened to the Student Temporary Employment Program in government? Also, will this government now reconsider the funding cuts of CareerStart and reinstate the northern youth employment program now that the youth unemployment rate—

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

Hon. Harold Gillehammer (Minister of Family Services): I am pleased to inform the member and the House that the deadline has now passed for CareerStart, and we are processing applications. Some of the jobs that can start are already underway. People have been phoned to let them know that their applications have been successful. Those students will be entering the work force in the coming week.

We are able, through the CareerStart program, to provide somewhere in the neighbourhood of 3,000 jobs for students, and as I indicated, some of them will be starting this week, some of them later in the summer.

As far as the Student Temporary Employment Program is concerned, there has been no change in our budget line for STEP. Departments are identifying positions within departments at this time, and the process is underway to involve university students and other students in the Student Temporary Employment Program. Those students are being contacted at this time, and those jobs will be starting in the next week to two weeks.

Court Transcription Services Procedure Changes - Delays

Mr. Paul Edwards (St. James): Mr. Speaker, my question is for the Minister of Justice.

One year ago, this minister was warned by his old colleague, Mr. Harold Dent, head of the court reporters in Manitoba, that there was a chronic shortage of court reporters. One month ago, the national magazine, the Bar Association magazine, quoted this minister as committing himself to making changes in the procedure. He said they were underway.

Mr. Speaker, yesterday, Mr. Justice Ferg warned him yet again. With harsher words, he said that the situation was unacceptable and was inexcusable. So much for the speedy trials that this minister says he stands for.

Will the minister tell members of the House what he meant last month when he said to the Manitoba Bar Association that changes in the procedure are underway, which is also what he has said every year since becoming Minister of Justice?

Hon. James McCrae (Minister of Justice and Attorney General): I find it passing strange that the honourable member for St. James, a Liberal member in this House, no doubt a supporter of all those Liberals in Ontario, would raise a question about delays in the courts when we know that 30,000 cases so far have been thrown out in the province of Ontario because of the system which was allowed to develop under a Liberal government in Ontario. Be that as it may, the honourable member has no shortage of gall at any time, Mr. Speaker. I will carry on with answering his question.

The matter referred to in Justice Ferg's decision occurred well before the implementation of the new system in October of last year and provides further indication that the problem of transcript backlogs was something that occurred prior to that time. Ironically, I can say that if the preliminary trial had

been done under the present system we have in operation, rather than the previous system, there would not have been the delay in this case.

Maybe the honourable member will ask me something else.

* (1030)

Mr. Edwards: Well, quite ironically, Mr. Speaker, this is the first court reporter to ever hold the position of Minister of Justice in this province. He is now becoming known as the biggest disaster for court reporting in the history of the province.

My second question for the same minister, Mr. Speaker, is: Can the minister explain what Mr. Saull, one of his officials in the department, meant when he said in his memo, not of last October but of January 4 this year, that every new system requires a start-up period, and we will be striving to achieve this goal over the next year?

Is the minister prepared to take another year at the expense of speedy justice to deal with the mess he has created?

Mr. McCrae: The honourable member in his first question referred to changes, Mr. Speaker. Yes, indeed, there have been changes, changes for the better in Manitoba since the election three years ago of this particular government.

April statistics for the operation of the transcription services unit indicate that court reporters, court monitors and transcribers have completed a total of 46,393 pages of transcript since October of 1990, last fall. In April, the department averaged 819 pages of produced transcript per day. It currently takes an average of 35 days to complete a transcript with an average length of 38 pages.

Mr. Speaker, the honourable member is absolutely right. I have served this province as a court reporter, and I wish I could have claimed to have gotten all my transcripts out in 35 days like we are doing now.

Mr. Edwards: Mr. Speaker, the minister received a copy of this memo from Mr. Saull. He should have read it. It also states that it is time court reporters accepted their share of responsibility for the predicament. Well, the minister himself was part of that problem because he was a court reporter who caused that predicament.

Mr. Speaker, can the minister tell the House whether or not—why he is out blaming court reporters in this memo of January of this year when he knows that there is a critical shortage of court

reporters in this province, those who are left doing their utmost to meet these demands? Why is he out in a memo sent around blaming court reporters for the problem?

Mr. McCrae: It is not my general nature, Mr. Speaker, to blame people for problems, but to go around fixing problems left for me by previous administrations. That is precisely what we have been doing. The court reporters, court monitors and transcribers are doing an excellent job in keeping matters under control and keeping matters up to date.

As I said, the Ferg decision referred to matters that arose prior to last fall when, unfortunately, the memorandum of understanding between court reporters in the province of Manitoba was terminated. That presented the government with a very, very significant problem and caused us some problems last fall with respect to transcript output.

We are now operating in a situation where we are taking an average of 35 days to complete transcripts, which is a very good performance, Mr. Speaker. It equates to the kind of performance we were able to achieve at the Winnipeg Land Titles Office when the honourable member for St. James was suggesting we spend \$12 million to fix that problem. We did not spend \$12 million, but we did indeed—

Mr. Speaker: Order, please.

Child Care Centres Investigation

Ms. Becky Barrett (Wellington): Mr. Speaker, on Tuesday this week over 350 parents, staff and board members of the Manitoba child care community met to share their concerns about the child care system in Manitoba, a system which used to be a model for North America and which this government, over the past three years, is in the process of rapidly destroying. The minister's staff has stated that the reasons behind the government's decision to move funding to private day care centres is that there are, and I quote, atrocities occurring in these centres.

Will the Minister of Family Services tell the House today why he will not follow the law and regulations and investigate these allegations and close any offending centres, instead of pumping more money into them at the expense of the public day care centres in this province?

Hon. Harold Gilleshammer (Minister of Family Services): Mr. Speaker, I suggested to the honourable member, I believe it was earlier this week, to not accept some of the statements made by another critic, and I would say the same to her about accepting hearsay remarks and attributing them to myself or staff. This government has put a tremendous amount of funding into the day care system over the last three years in this province, and the system is well-known for having the highest standards in North America. We have maintained those standards, and we have also put the funds into the system that are necessary to maintain it.

We do have a fundamental disagreement with the member and her party over the question of grants and subsidies. I have indicated before that we see grants as a universal subsidy to all people accessing the system. Our concern is that subsidies go to those people who really need those subsidies, single parents who are accessing jobs or taking some training, and we want the money that we have put into the day care system, almost \$45 million, to go to those people—

Mr. Speaker: Order, please.

Federal Funding

Ms. Becky Barrett (Wellington): Mr. Speaker, those same regulations and those same standards that the minister is so proud of that used to be minimum standards are now being made by this government to be maximum standards with an incredible decrease in quality in this child care system. The public child care system in this province has over 90 percent of the licensed day care spaces. How much federal money will this public system lose by this government's ideologically driven decision to put additional nonfederally cost-shared money into private day cares which only have 10 percent of the licensed day care spaces in this province? How much money are we losing?

Hon. Harold Gilleshammer (Minister of Family Services): The member is correct in part of what she says in that 90 percent of the spaces are in the public system and that some 10 percent are in the private sector. Under the recoveries from the Canada Assistance Plan, they are expected to increase this coming year from 41.3 percent to 42.2 percent of total expenditures, so that in fact the amount of money recovered under the Canada

Assistance Plan is going to increase in the coming year and not decrease.

Ms. Barrett: Mr. Speaker, that is due to the dreadful increase in day care rates rather than increase in funding for centres that need it.

Accessiblity

Ms. Becky Barrett (Wellington): Finally, will the Minister of Family Services admit that his privatization policies—which have been fully supported, I might add, by the Liberal Party in this province—with respect to day care are not working? They are leading to a two-tier system, one for the rich and one for the poor. They are not providing accessible, quality, affordable child care that the people of this province deserve and have the right to expect.

Hon. Harold Gilleshammer (Minister of Family Services): I would tell the member that the standards and regulations have not been changed in the last three years. They are the same standards and regulations that were put in place by the previous government.

If the member is criticizing staff who have the job of inspecting and working with day cares, if she has specific examples or incidents, I would be happy to hear of that.

This government has worked very co-operatively with a working group on day care under the chairmanship of Mrs. Gayle Watson over the last 18 months. That particular working group was made up of members from the Family Day Care Association, the MCCA, as well as Manitobans for Quality Child Care.

When they brought their first report forward on the short-term recommendations, the government was able to accept all of those recommendations, and they have been implemented. The long-term recommendations—and I am sure the member wants to hear about it—were tabled with the government in recent months. Our funding announcement and our changes that were announced in the previous month were as a result of these long-term recommendations brought by that committee.

* (1040)

Aboriginal Justice System Government Commitment

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, yesterday the Minister responsible for Native Affairs (Mr. Downey) kindly took notice on my behalf of questions raised by the honourable member for Point Douglas (Mr. Hickes). I thought honourable members would like to have a report from me today on a meeting I had yesterday with Interlake Reserves Tribal Council representatives. Grand Chief Fontaine was there and the assistant deputy minister responsible for corrections in the Department of Justice was there. We had a very useful, a very frank discussion yesterday about issues relating to the Native Harmony and Restoration Centre project at Gypsumville.

The honourable member asked about per diems and other matters. Indeed, at yesterday's meeting the question of per diems was discussed, as was the question of the concerns that our government has with the proposals before us. I think it is fair to say that at that meeting it was agreed that objectives of the justice system, my department, and objectives of the aboriginal community ought to be taken together and considered together. Those matters meshed in such a way that both objectives can be met in some future centre that can deal with aboriginal people in culturally sensitive, in culturally appropriate ways.

I really do regret that honourable members do ask questions and then they do not want to have the answer—

Mr. Speaker: Order, please.

Health Care System - National Public Hearings

Ms. Judy Wasylycia-Lels (St. Johns): Mr. Speaker, on Wednesday the Minister of Health (Mr. Orchard) attended the closing discussions at the health care symposium by the Centre on Aging, at which time one of the speakers, Michael Rachlis, author of *Second Opinion*, suggested that everyone write letters to the federal Finance minister, Don Mazankowski, urging him to hold public hearings in all parts of this country on the drastic reductions in federal transfer payments.

I want to ask the Minister of Health, since he was there, he heard the will of the community: Will he take up this call for action? Will he take the lead and

urge his counterpart in Ottawa to ensure that such public hearings are held across this country and certainly in Manitoba, where people here want to express their concern about the draconian and drastic reductions in federal health care transfer reductions?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, yes, I did have the opportunity to attend for a brief few moments at the end of a conference at the University of Manitoba on the issue of aging. That suggestion was made as an example of how individuals, if they had concerns, could express those concerns to the federal government. That is one of the great privileges that we still enjoy in this democracy of Canada where individual citizens without fear can express those concerns, those doubts, those apprehensions, and ask of government action as was suggested.

Mr. Speaker, I want to indicate to my honourable friend, because sometimes her rhetoric in her answer leaves one a little concerned about her knowledge of the issue, if my honourable friend cares to refer back to the history of this, in reality the genesis of today's reaction by federal governments of two political stripes commenced in 1975 with the agreement of provincial Premiers including the then provincial Premier of Manitoba.

Ms. Wasylycia-Lels: Mr. Speaker, the point is we have a serious funding problem, and we would like to see that this government is taking a lead to stop the erosion of medicare.

Western Premiers' Discussions

Ms. Judy Wasylycia-Lels (St. Johns): If I could ask a question to the Premier, since he is going into a western Premiers' meeting and we have only words to go on in terms of this government's opposition to federal health care transfer cuts, I want to ask him what steps has he taken since March 7, 1991, when he said in the Speech from the Throne, my government will fight these destructive federal policies? Is there a letter he can table? Is there a position—

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

Hon. Donald Orchard (Minister of Health): Mr. Speaker, I almost wish that my honourable friend had been with me at that conference, because the author of the book *Second Opinion*, Dr. Rachlis, made some very interesting comments. For

instance, he indicated that as a method of more appropriately delivering health care in Manitoba, we ought to close two acute care hospitals.

With advice like that coming from people who are deemed to be professional, the federal government then says, if that is the case, then provinces are really wasting a lot of health care dollars. It is not an issue of funding; it is an issue, as my honourable friend, the member for The Maples (Mr. Cheema), says, that we should spend smart.

Somewhere in between, Mr. Speaker, is the answer, because surely the answer is not—

Point of Order

Mr. Speaker: Order, please. The honourable opposition House leader.

Mr. Steve Ashton (Opposition House Leader): Yes, Mr. Speaker, on a point of order. I have sat here patiently this morning, particularly on the minister's answers, and there was a question as to what actions this government has taken with regard to medicare. Now the minister is getting into debate with the Liberal Health critic—

Mr. Speaker: Order, please. I would remind the honourable minister that answers to questions should be as brief as possible.

* * *

Mr. Orchard: Mr. Speaker, somewhere between what some would consider the draconian suggestion of closing two acute care hospitals in Winnipeg to the "spend smart" of my honourable friend the member for The Maples is exactly where this provincial government is coming. We have established—

Mr. Speaker: Order, please.

Government Position

Ms. Judy Wasylycia-Lels (St. Johns): Mr. Speaker, for the three hours that I attended the symposium—not the half hour that the minister was there for—I heard the message, and he should have heard the message, that health care people in this province want action, not words, especially on this critical issue of federal transfer payments.

I want to ask the Minister of Health: What steps have been taken to follow through on their commitment in the Speech from the Throne to work closely with groups and individuals who share its concern to put pressure on the federal government

to change its policy? What meetings were held; which individuals were invited to—

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

Hon. Donald Orchard (Minister of Health): Mr. Speaker, I want to tell my friend exactly what we have been doing, because my honourable friend has been invited, as critic of the official opposition, to most of the major events which will bring to Manitoba a unique opportunity to assure that we are spending \$1.750 billion in the ministry of Health to provide quality care to Manitobans, because we are, through the vehicle of the Centre for Health Policy and Evaluation, trying to assure ourselves that we are doing things in a correct fashion with our eye on quality outcome, improved health status of Manitobans. It is through that kind of intellectual decision making and research that we are able to provide guidance to the health care system which will benefit all Manitobans and all Canadians.

Speech Therapy Preschool Services

Mr. Gulzar Cheema (The Maples): Mr. Speaker, it seems the member for Portage la Prairie (Mr. Connery), after he was kicked out of the cabinet, wanted to get up and answer my question—

Mr. Speaker: Order, please.

Point of Order

Hon. Clayton Manness (Government House Leader): Mr. Speaker, I would ask you to bring the member to attention. It is very unbecoming for anybody to make a personal reference, as indeed the member for The Maples just did on the record, as to the member for Portage la Prairie.

Mr. Kevin Lamoureux (Second Opposition House Leader): On the same point of order, Mr. Speaker, the government House leader is probably not aware nor did he hear the comments that came from the former minister, the current member for Portage la Prairie. Maybe he should withdraw his remarks before requesting anything from the member for The Maples.

Mr. Speaker: The honourable government House leader did not have a point of order.

* * *

Mr. Cheema: Mr. Speaker, my question is for the Minister of Health.

In August of 1988, this minister stated in this House that we have a lack of speech therapy services in Manitoba. At that time the waiting list was 300. Today it is 509, because of the inaction of this minister.

Can the minister tell this House why he is ignoring the preschool children who need the speech therapy now, not two years later, as he has said in the paper a number of times?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, I am glad my honourable friend asked a question again today. Again, today he has not put accurate information on the record, just as my honourable friend did not do yesterday when he made the absolutely despicable accusations against home care, because yesterday in Question Period—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please.

* (1050)

Point of Order

Mr. Lamoureux: Mr. Speaker, I would cite Beauchesne's Citation 417 where it says: Answers to questions should be as brief as possible and deal with the matter at hand.

Yesterday, the Minister of Health (Mr. Orchard) blew it in Question Period, and I suggest to him to deal with the question that is being put forward, not to address the matter that he blew yesterday.

Mr. Speaker: Order, please. The honourable government House leader, on that same point of order.

Mr. Manness: Mr. Speaker, Beauchesne also says, within that same section or close to it, that an answer from a minister cannot be expected to necessarily fall along the line of the question. There is no incumbency upon an answer to necessarily have to fall along a question.

Mr. Speaker: The honourable opposition House leader on the same point of order.

Mr. Steve Ashton (Opposition House Leader): I do not think we need the government House leader to point to the fact that the answers we are hearing from this minister and this government do not often relate to the question. We are quite aware of that, Mr. Speaker, but our rules do say that answers should relate to the matter that is raised. We cannot expect an answer, ministers do not have to give an

answer, but they should not give answers to some other question they happen to have on their mind. They should give it to the questions put forward by opposition members.

Mr. Speaker: Order, please. I would remind the honourable Minister of Health (Mr. Orchard) to deal with the matter raised and he should not provoke debate.

* * *

Mr. Orchard: Mr. Speaker, the matter raised by my honourable friend this morning has a preamble which this morning is inaccurate, as were the preambles that he put on the record yesterday, such as, that while the home care is manipulating the whole thing, which was an absolutely false accusation by the member for The Maples (Mr. Cheema) because on February 1, the member for The Maples attended a meeting with the home care staff around that individual and knew the entire circumstances.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please. Order. The honourable Minister of Health, to finish his response.

Point of Order

Mr. Speaker: The honourable member for The Maples, on a point of order.

Mr. Cheema: Mr. Speaker, I fully agree with the minister that I met with that home care, and exactly, that is what I said, because—

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

* * *

Mr. Orchard: Mr. Speaker, I wonder if I might try a point of order?

Mr. Speaker: The honourable Minister of Health, I have recognized him to finish his response.

Mr. Orchard: I will just hope, Mr. Speaker, that I get the opportunity to fully put on the record some of the inappropriate language and direction used by the Member for The Maples (Mr. Cheema).

Mr. Speaker, to correct his information that was wrong this morning on the record, the waiting list for preschool children in March 1988 was 449. Today it is 509. At the same time, we have increased significantly the funding for speech services—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please.

Mr. Cheema: Mr. Speaker, my first supplementary question, the minister is confirming what I have been saying. This minister had three reports for the last three years, and those reports are telling him exactly—given the fact, he had three reports—

Mr. Speaker: Order, please. The honourable member for The Maples, kindly put his question now, please.

Mr. Cheema: Mr. Speaker, I was going to ask the question.

Given that the minister had three reports
-(interjection)-

Mr. Speaker: Order, please. I have recognized the honourable member for The Maples. The time for Oral Questions actually has expired. You just got in under the wire, so the honourable member for The Maples, kindly put his question now, please.

Mr. Cheema: Mr. Speaker, can the minister finally give more for speech pathologists at Health Sciences Centre so that these 509 preschoolers and their parents can have ease and so that they do not have to suffer because of the inaction of this minister?

Mr. Orchard: Mr. Speaker, the point I was making is that my honourable friend did not have accurate information, and he still does not have accurate information. Now, maybe that is Liberal Party policy to bring inaccuracies to the House but I cannot tolerate it.

In the time since I have come into office, we have served the needs of more preschool children than ever before in the history of the province of Manitoba because we have increased the funding at Health Sciences Centre, and the program has expanded in other locations under this government.

Now, Mr. Speaker, one can argue about whether enough is enough, but no one can argue that this government is not providing significantly more service to preschool children and will continue to do that, Sir.

Mr. Speaker: Time for Oral Questions has expired.

Nonpolitical Statement

Ms. Becky Barrett (Wellington): I wonder if I have leave to make a nonpolitical statement.

Mr. Speaker: Does the honourable member for Wellington have leave to make a nonpolitical statement? Leave? It is agreed.

Ms. Barrett: Before all the students from Edina Morningside High School leave, I would like to ask that they take back to Minnesota, on behalf of all members of the House here and all residents of the province of Manitoba, not only the greetings from a person who went to Edina Morningside High School, meaning myself, but also our best wishes for the Minnesota North Stars in their quest for the Stanley Cup.

ORDERS OF THE DAY

Hon. Clayton Manness (Government House Leader): Mr. Speaker, would you call the bills in the following order: 5, 6, 8, 12 and 20.

DEBATE ON SECOND READINGS

Bill 5—The Mental Health Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Health (Mr. Orchard), Bill 5, The Mental Health Amendment Act; Loi modifiant la Loi sur la santé mentale, standing in the name of the honourable member for St. Johns.

Stand? Is there leave that this matter remain standing? Leave? Agreed.

Mr. Doug Martindale (Burrows): Mr. Speaker, in speaking on The Mental Health Amendment Act, I will discuss the importance of good legislation and a good mental health delivery system and good mental health services. I will discuss my experiences with mental health patients. I will discuss my experiences with the Canadian Mental Health Association, Manitoba Region. I will discuss the need for change and models of delivery, including recommendations from the recipients of mental health services.

Mr. Speaker, these amendments, although they may seem minor, are very significant. They affect a lot of people, and they will affect a lot of people in the future. Mental health is not a disease or a phenomenon that is out there that affects other people. Mental health is an illness that affects people close to us. It may affect ourselves at one point or another.

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

It will affect people in our families. It will affect our relatives. It affects our neighbours, our friends. Therefore, we must be sensitive to the needs of these people because they are not just the people who we might see in an institutional setting or hear about or read about, but they are probably people who are known to us.

* (1100)

It is important that we have good legislation and that we have good services, that we have good models of services and service delivery. The model that I am going to spend most of my time emphasizing today is a community-based model of delivery of service.

The Canadian Mental Health Association has put out many good publications. They also have a news magazine. In reading one of these magazines, I came across an excellent quote by Clare Hincks. He said, my knowledge of psychiatry comes from the inside, and believe me, physical pain is like a pin prick compared to mental pain. We are talking about a disease that causes a great deal of pain to many, many individuals. Therefore, it is incumbent upon us to be sensitive to these individuals and to draft good legislation.

I have had some contact with mental health patients in institutional settings and outside institutional settings. I remember when I was in high school and went to a youth conference. They had two guests who were from the Penetanguishene Mental Health institution for the criminally insane. We were told why they were incarcerated as criminally insane patients.

One of them, I remember, was a young man who was a university student and shot his roommate. He was found criminally insane. Well, I had never run into someone like that before, and so it was very interesting to listen to him speak, and the other patient from Penetanguishene speak, and to share their story and experiences, and to answer questions.

I remember talking over coffee with this individual, I think it was in the kitchen in a basement of a church, and it sort of struck me that I was not particularly afraid of this individual and that this individual struck me as being very normal. I think that was a helpful learning experience for me, and it suggested that perhaps any one of us could commit similar criminal acts under stress without intending to.

That was my first contact with someone in this case who was found to be criminally insane. Of course, we have special laws for those people. They are committed on a Lieutenant-Governor's Warrant, and they are incarcerated for an indefinite length of time.

Mr. Dave Chomlak (Kildonan): It is no longer constitutional.

Mr. Martindale: My colleague for Kildonan mentions that it is no longer constitutional, I think because of the Swain case, and I am going to refer to that case because it has implications for the rights of all of us in our society. I have a summary of that which I am going to go through.

One summer I was an assistant chaplain at juvenile and family court in Toronto. The function of the chaplain at juvenile and family court included to be on an assessment team at the Clarke Institute of Psychiatry in Toronto. Every week he met with members of that assessment team to talk about the juveniles, now called young offenders but at that time known as juvenile delinquents, who were in the lockup in the youth centre.

When the chaplain was away on holidays I, as the assistant chaplain, filled in for him and went to the Clarke Institute of Psychiatry, sat in on the assessment team and was part of that team. That was a very interesting experience, because on the team there was a psychiatrist, there was a psychiatric intern, there was a psychologist, a social worker and myself. Basically it was a case conference, and the case conference was about an individual, a juvenile delinquent, at the youth centre.

I was familiar with this individual, because I had the opportunity to visit in the lockup with the juveniles, and so I would know the individual who was being discussed in the case conference or the assessment or by the assessment team, and so would the social worker. The social worker would introduce the problems and the case, to use the social work jargon, of the individual, and then we would all go around the circle and reflect on what is the problem that this juvenile delinquent is having, what are the solutions, and what is the most appropriate solution. It was always fascinating to ask the psychiatrist, what do you think is going on in terms of the psychiatric problem or potential problem of this individual? Those answers were fascinating.

I have also visited patients in psychiatric institutions. I remember once visiting one of my

parishioners, and as we were visiting, a student nurse came in to visit. It was fascinating for me to observe how the student nurse tried to relate to the patient. This is not a criticism of the student, because I have had many student experiences myself and know that all these experiences are considered learning experiences and that we change and grow as the result of reflecting on those experiences.

What I observed was that the attitude was one of patronizing the individual, rather than relating on an equal level with the individual. So I had a distinct advantage. I was the pastor, and I could talk to this individual on a one-to-one basis as a friend. I hope that student and all students are able to learn from their experiences with psychiatric patients, and that they will always visit with individuals as if they are a friend, rather than as a patient or someone to be talked down to.

One of my former colleagues at North End Community Ministry has visited residents at the Selkirk psychiatric institution, and I remember her telling me a story about one of her visits. I never forgot this story, because I was so impressed with the patience and the compassion of my colleague, Dorothy Settee.

She said once she went to visit a friend, probably from the same home community. She said hello and waited an hour before the individual made any response. I think that is a very caring and patient kind of attitude to have, to be so patient to wait an hour before someone in a psychiatric facility even responds. I think she was probably able to connect on a very personal level.

Madam Deputy Speaker, in doing research for my speech on these amendments, I talked to some individuals who have been on the receiving end of treatment. I said, what do you think should be amended in our legislation? What do you think is needed? What changes do you think we should make to The Mental Health Act of Manitoba? What in your experience tells you we should change? What should change in the system? What should change in terms of legislation? The answers were very interesting, instructive and relevant to the amendments today.

I was told that there are many positive aspects of the present system and that one of those aspects is diversity, because some people need hospital treatment. Hospitals are necessary for some individuals for treatment. However, there are

supports that are needed to make even the hospital setting work beneficially for the patient.

One of these supports that is recommended is day care. If an individual is hospitalized and there is no one at home to look after children, then day care, especially before and after school or day care all day in the case of pre-school children, is something that is going to be very helpful to a parent who is hospitalized.

Another part of the diversity is community-based psychiatric nursing. Individuals that I have spoken to have said it is definitely a positive support. The fact that a psychiatric nurse will visit a patient in their own home is very helpful, because then people are in their own environment and they are more comfortable in their own environment than in a hospital setting.

* (1110)

The psychiatric nurse, and this is based on the experience of individuals I have talked to, can become a friend and a confidant and is not just some stoic statue behind a desk. It is not long before the individual forms a bond with the psychiatric nurse that allows health to take place and healing to take place, particularly that of one's self-image, and allows that self image to improve.

There are other important community-based services. For example, Clinic runs a crisis line especially for suicide calls, and this is a positive thing in the community that is needed and is used. In fact, I heard complaints that sometimes people are not able to get through because the use is so great.

Part of the diversity includes things like a suicide crisis line. A telephone provides a quick and easy way of reaching out to a person in distress. The mentally ill need to be heard, and if call-in and if phones provide a link for the mentally ill and they are accessible, then that is going to be a positive benefit to them, and improved health and well-being can result.

Even on the telephone—in fact, a telephone is an advantage in which a bond can form between the caller and the person on the other end of the line who is trained to provide help to individuals who phone, because you do not have to face someone, so that is one less barrier. The telephone provides a kind of anonymity that is helpful to individuals. In fact, it has been recommended that a kind of daily hello service be provided so people do not just

phone up when they are in crisis but that there is a number they can call or which a staff person can call them every day.

People on social assistance particularly need to have a telephone, and they are supposed to be able to get it with a doctor's letter for medical needs. I know that this is available, and I hope it is always available to people who have psychiatric problems so that help is as close as a telephone call away. If you depend on a friendly voice to get you through the day, then your well-being is at stake, and therefore you must have a telephone. You still may need a psychiatrist from time to time, but the \$12 a month may also mean the difference between recovery and a vicious cycle of going in and out of hospital.

One of the recommendations that was made to me in discussion with individuals was that the more varied the support then the more people can be reached. I think this just makes logical sense because of the cost of hospital facilities and the fact that it is much cheaper to fund facilities in the community and therefore you can fund a much greater variety of them.

I have already touched on some, such as the crisis line at Klinik and home visits by a psychiatric nurse and in addition just having a telephone so you can call friends or neighbours or a counsellor or anyone at your own initiative. Although hospital stays are necessary for some, community support is also vital.

Another part of the diversity includes medication, because there are individuals who cannot cope and who need medication. That is part of the service that is offered. Medication is available for people in the community. Many, many people find that they can control their problems with medication and that this keeps them out of hospital. In fact, the individuals that I consulted said that medication has been very important and helpful in keeping them out of hospital.

It was also recommended that more hospital outreach needs to be done, something that would allow the patient more access to family and community, and also to community resources. Services such as homemakers should be provided, particularly to families with young children where the mother may even be a single parent. Even where both parents are present, the possibility of family breakdown exists, especially if one spouse has

been ill repeatedly. If the family breaks down, then our society breaks down.

The costs of family breakdown are very, very high. Family breakdown is perhaps one of the most important and crucial reasons why we, as legislators, should be concerned about mental health and about the kind of amendments that are brought forth to The Mental Health Act.

We need to be, and I think all of us are, concerned about the family unit in our society regardless of the shape of that family unit, and want to do everything we can to preserve healthy and wholesome families and health and well-being for all individuals and families.

I asked a number of individuals what kind of emphasis should be placed on community-based services. I got several different kinds of answers. One individual said that they thought that 40 percent to 45 percent of the money available should be spent on community-based services and the other 55 percent to 60 percent should be spent on the provision of hospital services.

I note from reading literature by the Canadian Mental Health Association that they are recommending a 50-50 split, that 50 percent be spent on hospital care and 50 percent on community delivered services. Certainly, there needs to be a shift from what we are doing now. The shift can be preventative. The shift can save money, because it is always much cheaper to keep people in their homes, in the community than it is to hospitalize.

Community-based services should be our first priority. Many individuals have received help which stopped them from being recidivous, that is, from repeatedly going in and out of care. When you stop that cycle, you stop a very expensive process of hospitalization. You also help the individual which is even more important. You help the individual to restore their life and restore their health and well-being.

It was suggested to me that individuals who have been in and out of hospital care should be surveyed. They should be asked: What do you need to stay out of hospital? What kind of supports do you need? What would be helpful to you or for people who have broken the cycle? What helped you to stop going back to the hospital all the time? What was most beneficial? What was most important to you? What did you value the most?

We need to do some research to find out what helps people to break the cycle of dependence on

institutional care. We also need more education regarding mental illness.

It was suggested that probably education on newer phenomena such as AIDS is much greater. There is much greater public awareness, although much more needs to be done, than there is about mental health and mental illness. I guess one of the reasons for that is that there is still a great stigma around mental illness, so we need to do more education to overcome that stigma.

Madam Deputy Speaker, I would like to talk briefly about my experience with the Canadian Mental Health Association, Manitoba Region. This is a very important organization. They help many individuals, and they are constantly making recommendations on amending legislation. In fact, they have made recommendations on this legislation. They have a position on what they agree with and what they do not agree with in this piece of legislation, The Mental Health Amendment Act.

* (1120)

I had a brief association with the Canadian Mental Health Association since I co-chaired a regional conference several years ago, along with Judge Ian Dubiński. I believe the conference was called Empowerment and Action. This is one organization that practices what they preach. For example, they have a model which says that people who are on the receiving end of services, people who have mental health problems, should be able to make choices, they should be able to make decisions and they should be allowed a say in making those decisions. They have people who have problems, or who have had problems, who are on all their committees and are on the board of directors as equal members, as voting members of those committees and the board of directors. This is something that I think all of us should emulate in all of our organizations.

We should have people in the community that is being served on the board of the organization that provides service. Certainly the Canadian Mental Health Association does that, and they have an excellent model which I will talk about later that has to do with empowerment.

Madam Deputy Speaker, the amendments that are before us talk about treatment and who can make decisions on behalf of patients, and parents or a relative or the public trustee can consent, on behalf of a patient, to treatment. Now, there is a problem that I see and that other people see with

this, and that is that the patient has no choice in who makes a decision for them. This is contrary to the philosophy which I was discussing of the Canadian Mental Health Association, which I think is an excellent philosophy. I believe that when a person is well they should be allowed to choose someone whom they designate to make decisions for them when they get sick.

For example, an individual might have no contact with a parent perhaps for a year, perhaps for two or three years. The amendments refer to one year, but when they go to an institution the parent has the right to consent to treatment on behalf of the patient. What if that is not appropriate?

For example, I was given a story about a parent who said the next time—about their child, about their offspring—the next time you attempt suicide I am going to have you committed for the rest of your life. That means that the individual could be subject to drug treatment or electric shock treatment or long-term hospitalization. So it is not appropriate for a parent in some situations, in some cases, to be the one who provides consent, who has legal power to consent to treatment on behalf of the patient.

The legislation says, well, they must have contact within one year. What if the patient says there has not been any contact and the parent says, well, yes, there has. I received a Mother's Day card. I think in a situation like that the psychiatric staff are going to believe the parent and not the patient.

This is very important in situations where there has been abuse. For example, I am told in the course of my research that people who have multiple personality disorders are often individuals who are abused physically or sexually when they were children. Now the person or the parent who perpetuated the abuse or committed the abuse may say that the individual should be confined, should be committed and would authorize treatment. Why would they do that? Perhaps it would be in their selfish interest to protect themselves so that any allegations of abuse can be discounted. So what happens is that the legislation puts power in the hands of the abuser.

These Mental Health Act amendments allow the husband or spouse of a patient to commit the patient or make treatment decisions, but there is a major problem with this, and it is that it is very difficult or impossible to speak out when a person has power over you. So perhaps the spouse or partner is an abuser, and how are you going to speak out against

that individual if they have the power to commit you to a psychiatric facility? It is going to be very difficult, and the staff may believe the person who has the authority to commit them and not the individual who has been the victim. Our Mental Health Act and our mental health system sanctions this kind of power. I believe that the amendments sanction that kind of power and therefore are in need of change.

Although the amendments say they are acting in the best interests of the patient, the parent or next of kin may not know what is in the best interest of the patient, or they may know but not be honest about it. Even if they do, they may not carry it out.

My colleague from Kildonan earlier referred to recent changes as the result of a case before the Supreme Court of Canada. In a judgment on Regina vs. Swain rendered May 2, 1991, in the Supreme Court of Canada, the rights of a person accused of a crime to control his or own defence in a court of law was upheld. This does not seem extraordinary except that, up until now, the Crown attorney could lead evidence that the accused person was insane at the time of the offence, even when the accused person chose not to use the defence of "not guilty by reason of insanity."

The Swain case is significant in that it was the first challenge under the Canadian Charter of Rights and Freedoms involving discrimination based on mental disability. In his ruling, Chief Justice Lamer named the question:

"The question remains, does the ability of the Crown to raise evidence of insanity over and above the accused's wishes interfere with the accused's control over the conduct of his or her defence." This is in the summary of the judgment on page 23, and responded:

"The mere fact that the Crown is able to raise a defence that the accused does not wish to raise and, thereby, to trigger a special verdict which the accused does not wish to trigger, means that the accused has lost a degree of control over the conduct of his or her defence. In my view, this in itself is sufficient to answer the question posed above." This is from the summary of the judgment, page 24.

The court went on to develop a new common law rule which would ensure that the right of an accused person to choose whether or not to use the argument of "not guilty by reason of insanity" without jeopardizing the principles of fundamental justice that prevents sentencing of persons who are found

to be insane at the time of the offence and without jeopardizing the real need of "protecting the public from people who may be presently dangerous."

The court noted that lack of a hearing at which an accused person can give and hear evidence regarding his or her sanity violated the principles of fundamental justice as set out in Section 7 of the Charter of Rights and Freedoms.

Section 7 says: "Everyone has the right to life, liberty and security of person, and the right not to be deprived thereof except in accordance with the principles of fundamental justice."

One of the important results of the Supreme Court's decision in Swain was to strike down the system of Lieutenant-Governor's Warrants, to which I referred earlier, that ordered persons found "not guilty by reasons of insanity" into custody for indeterminate periods of time, which means a person could be incarcerated for a lifetime, and to ask the federal government to draft new legislation that would ensure that "Insanity acquittees . . . should be detained no longer than necessary to determine whether they are currently dangerous due to their insanity."

Although I am not a lawyer, I would point out that persons who are mentally ill and who have not been accused of a crime should not have fewer rights than persons who are in the criminal courts. In his decision in Swain, Lamer affirms:

"This court has, on numerous occasions, acknowledged that the basic principles underlying our legal system are built on respect for the autonomy and intrinsic value of all individuals."

* (1130)

Surely our mental health legislation must also be based on principles of a belief in "the dignity and worth of the human person," a phrase found in the preamble to the Canadian Bill of Rights.

However, The Mental Health Amendment Act before us deprives individuals who are mentally ill of the rights to choose the person who will act for them, who will make decisions for them, or when, because of their illness, the individuals cannot make these decisions for themselves. Decisions regarding treatment of mental illness often, in the words of Charter Section 7, have the potential to deprive persons of liberty and security of the person. Thus, all legislation passed in any Legislature of Canada, including Manitoba, must be consistent

with the Charter in protecting the individuals from discrimination.

We will be watching and waiting to see if the legal counsel for the Attorney General reviews these amendments and decides that they need to be changed because of this recent Supreme Court case. I think it would be quite interesting to see whether or not that happens or whether somebody challenges the legislation in court and it is then found to be unconstitutional.

Certainly it would make much more sense to check out the constitutionality of these amendments before someone goes to court. Since we already have a Supreme Court decision, that would make more sense.

Section 15 of the Canadian Charter of Rights and Freedoms states: "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

Surely one fundamental right is the right of individuals to make decisions about their own lives, including who will act on their own behalf if they become incapable of making their own decisions. The rights of an individual to give informed consent is intrinsic in our health system, including the mental health system.

I would like to ask, has the Minister of Health (Mr. Orchard) considered that when The Mental Health Act, rather than the individual, determines who shall make decisions on behalf of the mentally incapacitated, the individual loses the right to make decisions about matters that significantly affect his own life, including rights to liberty and security of person. Has the minister considered that?

Has the Minister of Health considered that this legislation, that overlooks the rights of an individual to choose the person authorized to give substitute consent, may in fact be discrimination against persons with a mental disability and may in fact be contrary to the overriding principles of the Charter?

Madam Deputy Speaker, I am going to leave aside, in the interests of time, these Charter arguments. I am sure that other people will take that up.

A problem with The Mental Health Act and the mental health system is that there is not enough

emphasis on community-based services and community-based delivery of services that make people well. For example, at one hospital psychiatric facility in Winnipeg, the only service provided to psychiatric patients is acute care. They call it crisis stabilization. There is no therapy. There are no planned admissions, for example, for multiple personality disorder patients. What these individuals need is therapy. Some of them want that therapy when they feel they are going to break down. They know ahead of time. They want to be able to walk into a hospital or a psychiatric facility and say, I need help. I want therapy. I want a support group. I want to talk to a psychiatric nurse before I break down and before I am hospitalized for a long period of time. That is not available now in the city of Winnipeg.

I am told that there is nothing available in the community—no safe house, no day program. Klinik has a crisis line, but it is almost always busy, I am told. Often the busy signal rings all night.

A recommendation that was made to me was that what is needed are Joshua Committees, that is, groups of people, a circle of people, who provide support. It is needed especially for people who have attempted suicide, and who are released from the hospital and released back into the community. Some of these people are totally alone. They do not have the family supports and the neighbourly supports that you and I probably have, that all of us here probably have.

There are many people who are released from institutions back into the community that do not have those kinds of support. This is a sensible idea. It is now being worked on. What they are doing is they are forming what they call Joshua Committees or Joshua Circles to provide a support group, a circle of friends around an individual.

Another thing that is needed is employment opportunities. There is a program. I believe it is conducted by the City of Winnipeg. I think the acronym for it is SCOPE. It provides employment in the community for ex-psychiatric patients. There is a need to continue to fund this program and other employment programs for psychiatric patients who live in the community. This is prevention.

I recently talked with someone about the importance of employment. Employment is crucial to our self-esteem. I think that is important to everyone in our society because we get so much of our self-esteem from our work. I hope that

employment programs are increasingly funded to support people in the community and to improve their self-esteem.

With this last comment, I conclude my remarks. There is much more to say which I did not say which I am sure other members will. Thank you.

Bill 6—The Mines and Minerals and Consequential Amendments Act

Madam Deputy Speaker: On the proposed motion of the honourable Minister of Energy and Mines (Mr. Neufeld), standing in the name of the honourable member for Point Douglas (Mr. Hickes), Bill 6, The Mines and Minerals and Consequential Amendments Act; (Loi sur les mines et les minéraux et modifiant diverse dispositions législatives).

Mr. Leonard Evans (Brandon East): Madam Deputy Speaker, I understand that this will continue to stand, but in the meantime, I appreciate the opportunity to be able to contribute to a debate on a very important piece of legislation and a very important industry in the province of Manitoba. I would say generally we welcome this legislation, Madam Deputy Speaker, because what it does is incorporate nearly 60 years of amendments and additions to the existing Mines Act, as was outlined in a green paper released in sometime ago, a couple of years ago by the government. As I understand it, this legislation now will provide a focus for input, a focus for regulating the mining industry and will, in effect, update all regulations. In a sense, as I understand it, there is an effort made to take the regulations and to incorporate them into legislation.

I agree with the minister and the government's intent here, that you are trying to bring about a more orderly and effective development of the mining industry in Manitoba, more effective development and orderly development of our mineral resources for now and into the future. To some extent therefore it seems like a housekeeping type of legislation, administrative type of legislation. Nevertheless, this legislation does provide the basis for the operation of the mining industry in Manitoba. Therefore, it is fundamental to the continued future operation of mining, future development of mining in the province.

I would say it is a positive move. On the other hand, I would note, and I guess it has been argued that it is a positive move, because once you put the regulations into legislation these cannot be changed easily. The government would have to come back

to the Legislature to get permission, to get agreement to change the regulations or to change the regulations which now become sections of an act, of The Mines and Minerals and Consequential Amendments Act, as opposed to regulations which can be simply changed by Order-in-Council. In other words, the cabinet itself can make the decision to change regulations.

* (1140)

On the other hand though it seems to me that it is still possible. In fact there is still reference to regulations here. In other words, there will still be regulations under this act even though the attempt is being made to put changed regulations into legislation. There will still be a need for regulations, and we will still be seeing these in the future.

If I am correct, this bill replaces The Industrial Minerals Drilling Act, The Mineral Exploration Assistance Act and several sections of the old Mine Act. So to that extent, as I said, Madam Deputy Speaker, we welcome the move by the government.

I note, as I was saying, there is reference to the fact that regulations will continue to be made by the Lieutenant-Governor-in-Council, particularly with respect to prescribing or delineating the substances considered to be mineral substances or to be considered nonmineral substances.

The regulations will give the government, the minister the opportunity to define words and expressions not used in the act. It will give the government and the minister therefore opportunity to make various other changes. Delegating of powers for instance will still be done by regulation and not by legislation, delegation of duties of the minister to specific members of the Department of Mines, to specific officers of the department. This will be done by regulations. There will still be regulations required for specific leasing and working agreements or arrangements with respect to Crown mineral land.

There will be need for regulations, Madam Deputy Speaker, with regard to the various kinds of forms that are used by the department, by the government, for the industry to utilize for application, for example, for application to open a mine or whatever, or to engage in exploration. Certainly, we will still need regulations with regard to issuing all kinds of licences and permits and leases and certificates.

Indeed, even prescribing the level of fees, dues and other charges, this will still require regulation.

So will the need to delineate the amount of deposits payable as security under the act, or the rents payable under the act. So that while the intent is good to try to bring regulations into legislation, I say, Madam Deputy Speaker, there is still a great deal that is going to be carried on, a great deal of administration that will be carried on by regulation.

There is need for regulation to record claims. There is need for regulation respecting assistance by government regarding exploration, or for mining recovery, or processing of mineral or mineral product. There is need for regulation for designating areas within the province, designated as mining management areas, and so on with regard to a great deal. So I wonder as I said, while we appreciate the fact that there is an attempt being made to move out of regulation, there is still a great deal that is being left to regulation by the minister and his officials.

It goes on into areas of exploration permits, leases. Regulations will still be required respecting drilling and abandonment of bore holes, respecting measures to correct conditions after a bore hole has been completed, completion of a bore hole or a diamond drill hole.

With regard to feasibility studies, there will even be regulations on feasibility studies and predevelopment reviews. Regulations will still be passed by O/C respecting airborne surveys, respecting surface rights in respect of mineral locations and respecting royalties including exemption in respect of royalties, Madam Deputy Speaker, and so on. So there is a great deal that will be done by regulation. A lot of this is delineated in the legislation before us.

As I said, it seems to me that while on one hand we are told we are putting regulation into legislation, on the other hand, as itemized in the act in this legislation, there is still a great deal that will be done by legislation. I wonder if this is not contrary to the stated goals of the minister, the stated goals of the government, to move from a regulative approach to an approach of utilizing laws.

There is another major element in this bill that I would like to touch upon, and that is with regard to the principles of sustainable development. We are told by the minister, by the government, that the principles of sustainable development as recommended by the Premier's Round Table have been taken into consideration, and that these are embodied in the act. It is being suggested by the

government that there will be tough environmental regulations, and that this is going to lead to sustainable development.

My attention is particularly attracted to the early part of the legislation where there are principles of sustainable development actually referred to in the legislation, reference to the fact the decisions respecting the economy and respecting mining activities have to be integrated now with decisions respecting protection and management of the environment, so that the mining activity that is commenced in the province will have due regard for the impact of that activity on the environment and on environmental programs or initiatives of the government, all the time taking into consideration the regard for economic impact.

The Principles of Sustainable Development would also refer to existing policies and practices of the government and industry, acknowledging the stewardship that the private sector has and the stewardship that the public sector, the government, has in order to jointly develop the economy, but doing the best we can to maintain and preserve the environment for the benefit of present and future generations of Manitobans. The Principles of Sustainable Development also have to take into consideration that we do need a sound and healthy mining industry, so that has to be balanced off against the need for a sound and healthy environment.

There are specific hazards that do occur from mineral development, hazards to the environment and impediments to the environment. It is not good enough just to talk about sustainable development and protecting the environment in general, but we have to be very specific about detailed mineral development.

We would also want to be sure that any extraction and production of minerals that occurs in the province is done in a manner that is appropriate for both the environment and for the economy. We want to ensure that it is wise and efficient in both environmental and economic terms. We want to be sure that, talking about sustainable development, we have as much recycling of mining waste by-products as possible, Madam Deputy Speaker. We want to encourage the industry to reuse, reduce or recover the various by-products that occur from mining in Manitoba.

We want to ensure, when we talk about environmental protection in this legislation, that the

mining activities and the development that occurs, as well as the government regulation, is conducted with a view to protecting, enhancing the ecosystems of the province and that generally, in environmental terms, the land is not damaged or diminished by mining activity, that if there is any damage or diminution that occurs, there be rehabilitation.

* (1150)

Further, under the topic of sustainable development, Madam Deputy Speaker, I note that we have to be concerned about scientific and technological research with regard to processes and methods of mineral extraction and production, that these be delineated with the view to improving the productivity and efficiency and competitiveness of the mining industry, yet at the same time try to prevent or reduce adverse impact on the environment.

Lastly, I would mention the fact that there is ecological interdependence among the provinces and territories of Canada, and that the nations of the world, as well as the provinces and territories of Canada, increasingly require integration of decisions of government and industry with respect to the environment and to the economy.

(Mr. Speaker in the Chair)

So we have no difficulty whatsoever, Mr. Speaker, with regard to this move by the government. On the other hand, we are concerned that there is still a lot of discretionary power left in the hands of the minister and his officials. Also, there is some need for improving on the definitions of key words and terms, the need to ensure that we understand what we are talking about.

So we hope that the Principles of Sustainable Development, as included in the act, are not window dressing. We hope that there will not be excessive discretionary power used by the bureaucracy in this. We certainly hope that the principles will be implemented.

I might note though, Mr. Speaker, that over the years the governments in Manitoba have been concerned about environment and sustainable development, although those concerns were not as much in the fore as they are today. I think back to the development of the Leaf Rapids townsite being developed in a way that it became, and it is rather a very beautiful community.

It was developed by a development agency of the Manitoba government in the Schreyer years. I

contrast that with the development of mining in Flin Flon where you have the old mining methods, the old approach of putting the town right on top of the mine. Indeed, this is what we have in Flin Flon, where the city is right at the townsite, whereas in the case of Leaf Rapids and its mines you have a separation. That move alone, I think, is a victory for the environment.

It is certainly a victory for more pleasant living, because the Leaf Rapids community is a very pleasant place. It is well developed, it is accessible to the mine, yet not close enough to the mine that you get the rather unsightly features that occur when you do dig into the ground and begin to take the minerals out. As a matter of fact, Mr. Speaker, back in around the mid-to-late '70s, I recall myself as Minister of Industry, along with members of this Legislature, business leaders, union leaders, farm leaders, a group of us went up to Flin Flon in one day.

We flew up to Flin Flon and we toured the mine and saw the situation there, then we went on to Leaf Rapids, had another tour of the mine and another look-see at that community. You could just see the old approach and the new approach. This was done at a time before we talked about sustainable development and before we talked about the need to enhance the environment or the need for beautiful communities. I say that perhaps in some ways it was ahead of its time.

As I said earlier, the object and purpose of the act is to provide for, encourage, promote and facilitate exploration, development and production of minerals and mineral products in Manitoba consistent with the principles of sustainable development. So we say it is good in principle, but it must be encouraged further. We will want to watch the government, will want to watch the minister, in this regard. We want to ensure that sustainable development is not only talked about, but that it is implemented.

With regard to inspection and administration of the mining legislation that we have before us and the reference to the need for inspectors, we just wonder how the department is going to be able to carry out the mandate of this bill, including the mandate for sustainable development with only three inspectors. It would seem to me that the department will need many more inspectors to virtually carry out the objectives as referred to in the bill.

As my colleague, the member from Flin Flon (Mr. Storie), has suggested previously, I believe that perhaps the municipalities of Manitoba should get involved in assisting to perform in this function. In fact, we could give them an incentive in this respect because we could allow them to collect part of the fines levied and to keep part of them, at least, in terms of local revenue. So you would have a new form of local revenue. Giving the municipalities the incentive to carry out this function for the government could be a wise move. It would not require the hiring of as many inspectors and, at the same time, the department would be able to assure itself that the adequate level of inspection is being carried out.

The bill contains a rather interesting reference to the establishment of mineral management areas. We would like to know a bit more as to what they are. What are these mineral management areas? We have all kinds of management areas in the province. We have wildlife management areas. We have areas designated as provincial parks. We have water resource conservation areas. We have very specific kinds of areas delineated by other kinds of legislation, primarily natural resource legislation, but here we have another type of area now being designated in this legislation.

The purpose of giving priority to mining development in those specific areas of the province, namely the North, where the north-northeastern part of the province, where we have the highest mineral potential. It is being proposed by this legislation that after consultation with an interdepartmental planning board, the Lieutenant-Governor-in-Council may, through regulation, designate areas in the province as mineral management areas.

I would suggest that the government might want to look into whether or not any conflict might occur between these areas that are going to be designated now, and the existing management areas, and to what extent does it intrude upon existing Crown reserve lands, to what extent is there an administrative problem being created here.

Mr. Speaker, there is also a rather interesting idea about establishing a mining board. I do not know whether it is new under the sun or new in Canada. It is certainly a new suggestion here for Manitoba. It may be a worthwhile proposal as well that is included in this legislation where the government, through Order-in-Council, can appoint three individuals who would be independent of the

department, but who would at the same time possess technical expertise.

* (1200)

I do not know exactly who these people would be, probably people who had previously been working in the mining industry. I do not think you would want, necessarily, to have someone who is presently active in the mining industry because there could be a conflict of interest. You would want to get people perhaps who are retired from mining or people perhaps in university who are knowledgeable about geology or perhaps someone in the consulting field. At least, people who do have the technical expertise, but who truly would not have any conflict of interest or any potential conflict of interest, by being on this board with the authority of the board and, at the same time, having a vested interest in mining development.

So as I said, it is a rather interesting proposal, which I think we could support as well, although the boards will be only as good as its membership. I note that it will be appointed, not by legislation—say legislation delineating certain categories of people as we do in some instances. We delineate, for instance, members of the Electoral Reform Commission by legislation by making reference to the specific office, the University of Manitoba president, the Chief Electoral Officer and, I believe, the Chief Justice of Manitoba. Whoever fulfills those offices are automatically on that particular board.

Perhaps you could do the same thing with the mining board—people who fulfill certain specific functions in the province, say some general manager of the Mining Association or the head of the Department of Geology at the University of Manitoba, or whatever. So therefore, that board would be struck by virtue of legislation. Now it is going to be set up according to the way this act is written, by Order-in-Council, so it will be a government decision. It is taken out of the Legislature as such, and the membership will be picked by the minister and the cabinet.

The intent of this, as I understand it, is to remove what could be described as an incestuous relationship that now exists between the department and the current board, which I believe has the deputy minister, at least, on it, and that it would be much better to have this board removed from the department. So we agree with that. It could be argued, nevertheless, that the O/C appointments

are not necessarily seen as apolitical, that they may come down to be just pure political appointments being made by the minister and the cabinet.

Nevertheless, the board has been given an array of duties that give it some considerable importance in the mining industry in Manitoba. The board, according to the legislation, will be able to determine questions, disputes, and matters or claims regarding mineral disposition or a mining lease. It can make a decision regarding questions, disputes, matters or claims between holders of mineral dispositions or leases. It could refer to matters of people who are owners and occupants of surface rights, the conflict between the owners and occupants of surface rights and holders of mineral dispositions. It might also hear and decide upon disputes or questions between the holder of a claim and an applicant for a quarry mineral disposition.

It has additional powers. It can decide on a dispute regarding the advisability or necessity of establishing a unit operation, a specific type of mining operation. It can decide on advisability of designating land as limited use or land to be under use. So the board has considerable authority. It can receive submissions from the parties in writing, particularly in writing. I am sure they can do it orally as well.

What I am pleased to see in the legislation is the fact that the board, no later than 30 days after giving notice of the hearing, shall hold a public hearing, so that at least the public is able to participate in the process. The legislation goes on to itemize how the board might operate, where it may proceed, even if there is one of the parties absent, where the hearings will be held, and so on. The fact that it can have and will have power under The Evidence Act, which is very interesting, Mr. Speaker, showing that the board has some clout and that it intends to get testimony in accordance with The Manitoba Evidence Act.

The information that is provided to the board will be—as I said, there will be written submissions, but there will be oral evidence given and this will be transcribed and recorded and, again, made available to the public. This, too, is a good move in this legislation. Generally speaking, the proceedings of the board will be recorded and the summary of the decisions of the board in the course of the proceedings—these results, these reports will be made available, including the reasons for a decision made by the board, one way or the other.

So, Mr. Speaker, I do not know how different this is from the existing mining board operation, but it is certainly a good move to cause it to be more independent of the department and to carry out in the way that is delineated and designated in the legislation.

There is also reference in the legislation to the need to register prospectors, that is, those people who go out and look for new mineral deposits. They are the trailblazers. They are the people without whom, without their activity, of course, we would have no mining industry whatsoever. In the first place, we need prospectors, people who will go out and find where the minerals are in the Precambrian Shield that we have in this province.

I would only note, Mr. Speaker, that the classical prospector, I guess, was something of a rugged individualist character. I think he, or she perhaps, is giving way to corporate prospecting. I think this development has been with us for a few decades now caused mainly by the utilization of new technology, the need for more capital in efficient prospecting.

Having said that, while there is corporate large-scale, capital intensive prospecting going on, nevertheless, there are the rugged individualists, there are individual prospectors who have every right to go out and seek ore deposits in this province or, indeed, anywhere in this country. So we find that the government is prepared to register both the corporations and the individuals to go on prospecting.

I do not know how well this can be carried out. I do not know how it will be accepted by the prospectors but, nevertheless, the government in this legislation states that it has the right to license people and will license people for this activity. In fact, it goes on, the legislation states clearly, that you will not be able to explore for minerals or stake out a record of claim unless you do have a prospecting licence.

At any rate, the legislation provides for various matters. It provides for the requirement to carry the licence, because you must have a licence on demand. If an inspector, peace officer, owner or occupant of the land upon which the licensee enters, the licensee has to produce the licence for the inspector to examine. Indeed, there is provision in this legislation for licences to be suspended, or revoked licences could be reinstated. At any rate, the question again is whether this piece of

administration as designated in the legislation can be carried out justly and efficiently.

* (1210)

The legislation has a separate area dealing with quarry minerals. Again, this is separated for reasons of administrative efficiency, and again we see some positive points here because, in accordance with a particular section, all quarries now, including private pits, will have to be registered and an annual permit obtained. The permit holders have to provide declarations verifying the quantity of quarry mineral the holder has produced from the permit area, in addition to payment of an annual rehabilitation levy in the event of expiry, cancellation or surrender of the permit.

Quarry development is very important in the province and as the province gets older I guess we find more and more quarries. It brings you to the question of rehabilitation of quarries. There is a reference in the legislation to provide for progressive rehabilitation. This is an excellent idea. It means that rehabilitation can be carried out in the course of the operations of the project on the site. We welcome that and I see that there is reference to annual reports being required. They must be submitted on rehabilitation.

I go on and note that there is reference to a Mine Rehabilitation Fund and a quarry mineral rehabilitation levy. This is specifically referred to in the legislation in order to rehabilitate closed and abandoned sites. So this applies to quarries, it applies to regular mines, the whole matter of rehabilitation, and I am just wondering how this is going to be carried out. Will there be enough money to ensure that this is carried out? The bill may fall short here because it seems to ignore the high costs of mining cleanup.

I refer, for example, to the Sherritt Gordon when it closed its mine in 1952. There was no rehabilitation. Today there is information that mine tailings cleanup is estimated to cost between \$20 million and \$30 million. Where will monies be forthcoming? There is reference made in the legislation to a Mine Rehabilitation Fund, but the question is, will there be sufficient monies raised in these rehabilitation funds to ensure proper rehabilitation? Perhaps this area should be looked at more carefully. Maybe we need to be providing some monies for this purpose because it is indeed in the public interest.

I cannot help but think of rehabilitation that does occur for some quarries in a very natural way, and I guess you could say it is driven by personal desire for beauty or driven by market considerations. One classic case of quarry rehabilitation is in the city of Victoria where they have the beautiful Butchart Gardens. The Butchart Gardens is one of the most beautiful gardens in the world. It is an old quarry. It was a quarry that was rehabilitated by a family, firstly, as I understand, because the lady of the family wanted to beautify the yard. Eventually, as people became interested, because they were free to come into the Butchart Gardens to see it, it became a commercial enterprise. So this is pure rehabilitation as referred to in the act.

I would say this is an ideal type of rehabilitation. One would hope that the provisions of rehabilitation in the act, progressive rehabilitation that they refer to, you know, could meet the ideal.

There is another example, I think it is called Queen Elizabeth Park in Vancouver. I am not quite sure, but that too is a very beautiful quarry that has been developed. Hopefully some of those—I think, nearer to home here, in Winnipeg, areas near Birds Hill and so on, there are old gravel pits and so on. Some of them have been used for recreation purposes, and there is one near the town or village of Birds Hill. Adjacent to it now is a residential development, and there is some thought of looking upon this as sort of a beautiful sight and doing a few little things to make it rehabilitated for public use. So I welcome this part of the legislation, Mr. Speaker.

I would hope that in this legislation there was due consultation with various specific people. I know there was a green paper. I know there has been some input, but I understand there are some concerns by the Canadian Mining Association -(interjection)- oh, I am sorry, I only have two minutes, I understand. I wanted to go on and talk about the significance of the mining industry to Manitoba because it is one of our fundamental primary industries.

I would just conclude by saying that I would hope there is some consultation with the various unions. I know the steelworkers in Flin Flon have not been consulted. Perhaps they will see this legislation and come forward at committee. Also, I understand there are some prospectors who have some concerns regarding the new requirements, the new costs and the new obligations.

As I said, the Canadian Mining Association also has some concerns, but generally speaking, Mr. Speaker, I think this is a move in the right direction. In general, while we have some specific concerns and complaints, we would generally support the legislation and hope in committee stage that perhaps it can even be improved, because indeed it does provide the basis for the operation of a very fundamental industry in Manitoba, the mining industry of this province, one of our key industries. One hopes it will continue to flourish in this province. Thank you very much.

Mr. Speaker: Order, please. Prior to recognizing the honourable member for Brandon East, the Deputy Speaker inadvertently forgot to ask: Would there be leave for this matter to remain standing in the name of the honourable member for Point Douglas (Mr. Hikes)? Is there leave that Bill 6—leave? Leave. It is agreed.

Bill 8—The Vital Statistics Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Family Services (Mr. Gillshammer), Bill 8, The Vital Statistics Amendment Act; Loi modifiant la Loi sur les statistiques de l'état civil, standing in the name of the honourable member for Kildonan (Mr. Chomiak).

Stand? Is there leave that matter remain standing? Leave? Agreed?

Ms. Judy Wasylycia-Lels (St. Johns): Mr. Speaker, I am pleased to join in the debate on Bill 8, The Vital Statistics Amendment Act.

Mr. Speaker, this bill is of significance in terms of our legislative agenda. It is not a bill to be taken lightly. It is a bill that speaks to many important and significant issues in our society today.

As other members have stated throughout this debate, the compilation of data, the collection of vital statistics is absolutely important to the full understanding and appreciation of where we are today as a people, where we came from, and how we can improve the quality of life for ourselves, for our children, and for the children of our children.

There is growing evidence to suggest that we, all of us in this Legislature, should be paying much more strict attention to vital statistics. The collection of vital statistics plays a very important role in all aspects of our lives, whether we are talking about births, baptism, marriage, divorce, name changes

and death. That is the focus of this legislation and one that I shall primarily devote my time to, the issue of the collection of vital statistics with respect to death.

Mr. Speaker, as I have just said, the collection of such data is critical to our understanding of the factors involving deaths which are preventable, which can be dealt with by legislators, by governments. We are becoming increasingly concerned that this present government, the Conservative government of Manitoba, is not listening to those statistics. We know that on many issues, this government is not listening to people who are personally and directly affected by the negative, regressive policies of this government.

* (1220)

We wish that they would pay closer attention to those personal stories, to those accountings of hardship and turmoil and despair in our world today, so that they would, in turn, adjust their policies, reconsider their cutbacks, reverse negative policies in order to improve the quality of life of our citizens, of all of our citizens, and not be a destructive force in terms of our families and our communities and the province as a whole.

So, Mr. Speaker, we have a situation of a government that does not listen to those personal stories, to the direct accounting of hardship and despair. We also have a government that does not appear to be prepared to accept statistical documentation of that hardship and despair and to act accordingly. We do not appear to have a government that takes the statistical collection of data around death in this province and use that information for which it is intended. In other words, Mr. Speaker, it is a government that is prepared to introduce amendments to legislation on Vital Statistics for the sake simply of collecting better statistics but not giving us any show of any indication, any commitment, that it will improve its response mechanism to the collection of that data.

I think, Mr. Speaker, that was brought home most clearly and acutely when the statistics were released this week around the death of children in our society. The statistics are from Statistics Canada, and they state clearly that the deaths as a result of murder, children being killed, is a very serious problem in our society today. It is a problem that is growing and must be addressed.

Those statistics released this week and noted in the Free Press on Wednesday, May 8, indicate that

two-thirds of Canadian murder victims 12 and under are believed to have been killed by their parents. The data also shows 54 children were murdered each year in Canada throughout the 1980s, including 26 in Manitoba during the decade. The information shows that more than a third of those children were less than one year old. The report also showed that women are involved in 38 percent of child homicides compared with 10 percent of adult homicides.

Only one child in 10 was believed murdered by a stranger compared with one in four adult murder victims. Mr. Speaker, those are shocking statistics. It is an astronomically high number of deaths of children at the hands of parents, the result of family violence, of troubled domestic situations. The collection of that data is invaluable in terms of how we as a Legislature, and how we as a society, can address those number of deaths and try to reduce the numbers of deaths of children being murdered by a parent. They teach us something. They are a call to action. They demand that we take these statistics and do something to prevent children being killed in family violence situations, in troubled domestic situations.

Mr. Speaker, it was a concern to all of us that this government, that the Minister of Family Services (Mr. Gilleshammer), did not find much relevance in these statistics, did not feel that this information should cause him and his colleagues to develop a plan of action to reduce the number of deaths, murdered by a family member, by a parent.

This government should know from the statistics that no more time must pass before a plan of action is put in place to address the incredibly horrific statistics around the deaths of children. The deaths are really the final outcome, the ultimate in family violence. It is a rude awakening to what domestic unrest can lead to, and it must lead to a plan of action on the part of this government for preventing family violence in the first instance so that no more children die at the hands of a parent as a result of family stress and pressure and tension.

We know, and I am sure all members in this House agree, that family violence is preventable. Well, if we agree that family violence is preventable,

then children who die as a result of family violence are a wasted death. It need not be. We can prevent those deaths if we simply get at the root causes of family violence and the killing of our children in family situations.

There is general agreement in our community today that family violence is a result of economic pressures, of employment difficulties, of poverty, of stress between family members caused often by the incredible demands on a family to be always juggling family responsibilities and work responsibilities, to be trying always to be good parents and to be good employees.

All of us, especially those of us in this Legislature, should know the difficulties in trying to juggle two demanding, full-time occupations that require an incredible amount of energy and patience and creativity. It is no wonder that stress that results from trying to juggle work and family responsibilities leads to family violence. It is not too difficult to understand the pressures on individuals and on families as they try to provide for their families, not just a subsistence level of living, but a decent quality of life at a time when we are facing such economic pressures, such upheaval in all of our society.

To address the root causes of family violence and deaths of children at the hands of a parent will require a concerted strategy, a strategy of prevention, of education, of treatment. While this government has made some inroads in that area, had paid some attention to the issue of violence in our homes. It is clear to all of us and to the broader society as a whole that it is still too far down on the priority list. It is still an issue that gets relegated to that venue of personal matters not treated in serious political ways, backed up by all the tools of public policy formulation.

An Honourable Member: Time.

Ms. Wasylycia-Lels: Mr. Speaker, as my time is not yet up, I will continue.

Mr. Speaker: Order, please. When this matter is again before the House, the honourable member for St. Johns will have 28 minutes remaining.

The hour being 12:30, this House now adjourns and stands adjourned until 1:30 p.m. Monday.

Legislative Assembly of Manitoba

Friday, May 10, 1991

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