



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

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**DEBATES  
and  
PROCEEDINGS  
(HANSARD)**

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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 24, 1991

The House met at 10 a.m.

### PRAYERS

#### ROUTINE PROCEEDINGS

#### PRESENTING PETITIONS

**Mr. Neil Gaudry (St. Boniface):** Mr. Speaker, I beg to present the petition of Agnes Roy, Dolores Laurendeau, Gaston Bohemier and others requesting the government of Manitoba to consider reinstating the indexing of the 55-Plus program.

#### MINISTERIAL STATEMENTS

**Hon. Eric Stefanson (Minister charged with the administration of The Fitness and Amateur Sport Act):** Mr. Speaker, I have a ministerial statement I would like to make.

Today marks the start of Canada's Fitweek. Canada's Fitweek is the largest annual celebration of physical activity in the world. Each year millions of Canadians participate in Fitweek events to celebrate the great feeling that follows fitness.

To mark the first day of Canada's Fitweek, today has been designated as "Sneaker Day." All across Canada, people from all walks of life are donning their sneakers and getting into the theme of this year's Fitweek which is "Celebrate Feeling Great."

Throughout the next week, Manitobans of all ages and abilities will "Celebrate Feeling Great" by taking part in almost every type of physical activity imaginable. Over 450 community events will be organized in Manitoba with over 100,000 Manitobans getting involved, Mr. Speaker.

Canada's Fitweek is the perfect opportunity for all Manitobans to make a commitment to becoming more physically active on a life-long basis by choosing any of the wide variety of exciting events being organized throughout our province.

Whether you walk, ride a bicycle, dance or throw a frisbee, I encourage you and all Manitobans to experience the fun and excitement of living actively. I invite everyone in this fine province to join with me in the celebration of Canada's Fitweek.

Let us "Celebrate Feeling Great." It is easy if you participate. Thank you, Mr. Speaker.

\* (1005)

**Ms. Marianne Cerlill (Radisson):** Mr. Speaker, those of us who have been involved in fitness, sport and recreation know that you cannot get fit in a week. We also know that this government may put on a wonderful celebration this week for Fitweek, but when you look at the budget cuts, there have been drastic reductions in a lot of areas that would help people maintain a healthy, fit lifestyle—the cuts to the Sports Federation, various cuts to other youth programming, changes in the recreation branch.

One area that has been woefully underfunded is the new Fitness Directorate which hardly has enough staff to truly create programs in this province to promote health and fitness.

I, too, got the package for Fitweek, and I was disappointed to see that there were a lot of glossy pamphlets in there. This celebration may be a fun day and it may raise some awareness, but I would say that having people employed in the area of health and fitness will go a lot farther in this province than having one day or one week. Thank you very much.

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Mr. Speaker, last week I received an invitation, I am sure which was also received by the other two Leaders, in which I was asked to donate a sneaker for a competition. Apparently, people were to guess whose sneaker it was. I thought I was going to be very much disadvantaged in this, because I only wear a five-and-a-half shoe, and my runner was pink and white. I thought, they are obviously going to be able to tell which of the Leaders owns that. Then behold in the House today come two individuals with their pink sneakers. So, obviously, it is going to be a much more open competition than I had ever anticipated that it would be.

I am pleased to respond, Mr. Speaker, to this announcement today. Obviously, it is clear that you cannot get fit in a week, but I do not think that is the whole purpose of this at all. The purpose of this is to encourage healthier lifestyles in all Canadians

and Manitobans. We all need to acquire those healthier lifestyles. So I am going to make a suggestion, Mr. Speaker, and that is that every now and then those of us sitting in this Chamber, listening to each other ad nauseam, get out and take a walk. It will be healthier for all of us.

Thank you, Mr. Speaker.

### Introduction of Guests

**Mr. Speaker:** I would like to draw the attention of honourable members to the gallery, where we have with us this morning from the Sacred Heart Junior High School forty-five Grades 8 and 9 students. They are under the direction of Mr. Stzurm. This school is located in the constituency of the honourable Minister of Justice (Mr. McCrae).

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

## ORAL QUESTION PERIOD

### Immigration Consultants Investigation

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

Yesterday, all members of this Chamber agreed that the practices that were revealed in a TV documentary Wednesday night, where immigration consultants were preying on people who wanted to live, work and raise families in Manitoba were indeed a disgusting display of influence peddling and activity in our community that was totally inconsistent with the humanitarian goals of Manitoba's immigration policies and the humanitarian goals of Manitoba's public.

Where we disagreed with the Premier was in the issue of whether we should have an independent investigation. The Premier stated in terms of our questions that he felt his senior staff should review this issue.

In light of the fact, Mr. Speaker, that two of the principals named have been confirmed in the last period of time to having had political involvement with the Premier and other members of the Legislature, I would ask the Premier now, would he agree to move this investigation outside of the political senior staff of his own department and have an independent investigation for the sake of Manitobans?

\* (1010)

**Hon. Gary Filmon (Premier):** Mr. Speaker, I certainly concur with the Leader of the Opposition that the practices that were detailed in the investigative report that was carried on television the night before last was, indeed, something that all of us should be concerned about and that we ought not to have that kind of activity in any way ongoing if there is a way of us preventing it.

We have been investigating various ways that I can detail in response to subsequent questions with respect to ways in which we might get involved in controlling immigration consultants in Manitoba.

With respect to the request for a review and an investigation of the activities of one individual who is in the provincial public service, perhaps I misled the member when I said that the investigation was being done by senior staff. It is not being done by senior political staff. I asked the clerk of the Executive Council to convene a meeting of the deputies involved in the departments that could be affected, as well as the Civil Service Commission to do an arm's length review of the activities to see whether or not there is any evidence that would warrant further action on the part of government.

**Mr. Doer:** We are moving it a bit further away from the Premier's political staff, but we would note that the clerk of cabinet and other positions, many of those positions are Order-in-Council positions.

Mr. Speaker, there are a number of public employees who are coming to us with other issues related to this case in the Civil Service who, given the recent numbers of firings that took place in the public service, are scared stiff to speak. There is other information that is coming to our light, and all we are asking for is an independent investigation.

I would ask the Premier to move it outside of the senior public service, to move it outside of the senior clerk of the cabinet, to move it outside of the public service itself, because the Premier is still the chief executive officer of all those positions, and have an independent investigation. Surely, with the Pollock issue, having an independent investigation was warranted in the public interest. Surely the circumstances and factors and the relationships of people to governments and high officials mean that an independent investigation is surely in the public interest.

**Mr. Filmon:** Mr. Speaker, as I have indicated, the matter never was being reviewed by political staff. When the member indicates that we have moved it

away, it was never where he said it was, and that is the point I want to make.

The matter is being reviewed by the people who have the direct access to the information. The Civil Service Commission are not Order-in-Council appointments. They are the same Civil Service Commission officials who were there under the New Democrats, Mr. Speaker.

I would think that we ought to wait for their review and judge whether or not their recommendations for action are appropriate under the circumstances. If they are not deemed to be appropriate, we can deal with that later. I think we should do this a step at a time, and we should see whether or not the desired effects result from the course of action that is being taken at the present time.

**Mr. Doer:** These are very serious matters. In the province of Ontario, a couple of years ago, when developers were involved with senior officials in governments and one of the persons in the Premier's Office was revealed to have received a refrigerator, they were fired by the Premier. I think Gordon Ashworth was the person's name. These are very serious issues in terms of activity outside of the regular public service and the integrity which is even mentioned in the Civil Service's guidelines for integrity, honesty in the public service and impartiality.

Impartiality, Mr. Speaker, in our own guidelines, indicates to us, given the fact that the Premier is the chief executive officer of the total government, that we have to move this investigation over and outside of anyone who reports directly to the Premier. Now, all the people whom the Premier has mentioned report to the Premier of the province. We would ask the Premier to have the independent investigation outside of anybody who reports directly to the Premier, so that we can know, the public will know that the investigation is not only independent, but can be perceived to be independent in this very vital matter.

\* (1015)

**Mr. Fillmon:** Mr. Speaker, at this point, I do not have the basis upon which to make an allegation. If the member opposite does have substantive information upon which to make an allegation, there are two reviews taking place. The first is that the RCMP are undertaking an investigation. I might note that some of the comments which I heard from the Leader of the Opposition were matters that

would warrant charges under the Criminal Code and/or other federal acts.

I note that the RCMP news release yesterday urged that people who have substance for making these kinds of allegations make them to the RCMP so that they can further their investigation. If he does have information, I would urge him to do that because these are very, very serious issues, and we take them as being serious, Mr. Speaker.

The Civil Service Commission does not report to me, Mr. Speaker. The Civil Service Commission is independent and set up with The Civil Service Act.

We also have the independence of the conflict-of-interest legislation that governs the morals, the ethical actions and the integrity of our public service, and all of those matters are there for the protection of individuals. If there is anything that this country is known for, it is the commitment to due process. We are taking -(interjection)- Mr. Speaker, I am tired of listening to the innuendo and the sleaze of the member for Flin Flon (Mr. Storie). If he wants to make an allegation, I would ask him to rise up on his feet to make an allegation.

### Point of Order

**Mr. Steve Ashton (Opposition House Leader):** Yes, Mr. Speaker, the comments of the Premier are clearly unparliamentary and out of order, and given the serious nature of the matters here, I think the Premier should expect that members on this side should have concern about some of the matters involved with this. I do not believe the Premier should stoop to such comments about a member who was simply expressing his own concern about this very serious matter.

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, this is a very serious issue, and the Leader of the Opposition and the Premier have been engaged in very serious dialogue. It was the member for Flin Flon who chose to interject some side commentary that was unbecoming to that discussion. I ask the member and I say the member has no point, but further than that, I would ask the member for Flin Flon to keep his remarks to himself at this particular point in time.

**Mr. Speaker:** On the point of order, I would remind all honourable members to pick and choose your words very, very carefully.

\* \* \*

**Mr. Doer:** Mr. Speaker, as we have discussed yesterday with the Premier, there are issues that the RCMP should properly investigate. For that, we think the RCMP is taking appropriate action. There are issues also in the Premier's own document that he tabled in the Legislature, documents that he had at press conferences during the election talking about ethical, humanitarian immigration policies, and those are the key issues before us today.

The Premier mentioned yesterday the words, "my senior staff." Of course, my senior staff—and it is right in Hansard—are political staff. Today he has moved that to a couple of other individuals who are in senior positions in the public service who are not "my political staff," to use that term, but indeed two out of three of those people are by definition hired and fired by the Premier by Order-in-Council.

I would ask the Premier, in light of the fact that there are individuals involved who are very politically involved with the Premier in past events—and that is fair enough. That in itself does not mean anything, but in the public interest, surely, the Premier has to move this outside of the people who report to him. Will the Premier agree to a complete, independent investigation so that the people who are reporting back to the Premier and the Legislature and the public are not the same people, two of three of whom he has named to report back to the Premier?

\* (1020)

**Mr. Fillmon:** Suffice it to say that under our legislation, be it conflict of interest or Civil Service Act, there are requirements that if there is any substance to allegations or to concerns, we will take it out of the hands of any Order-in-Council appointments, and we will put it in the hands of others who are not, in any way, politically connected to the government for investigation.

That is the process, step by step, that we have to take, to go through first to see in the review whether or not there is a potential for conflict of interest, potential for any of the allegations that may or may not be coming from the Leader of the Opposition to take place.

With respect to the greater matter that the Leader of the Opposition has rightly raised, I have since, as well, done some investigation into what role we might take to proactively get involved in this whole issue of the regulation of immigration consultants

and intervention in trying to address some of the issues that were raised in that television news report.

I have asked, for instance, the Minister of Co-operative, Consumer and Corporate Affairs (Mrs. McIntosh) to review current consumers' legislation to see whether or not we have an ability to intervene right now. I have asked the Minister of Culture, Heritage and Citizenship (Mrs. Mitchelson) to make regulation of immigration consultants a priority in our negotiations with the federal government to secure the kind of immigration agreement we talked about during the last election campaign.

I have asked the Ministers of Family Services and Consumer and Co-operative Affairs to make recommendations to strengthen the procedures and protections governing the granting and monitoring of marriage commissioners and notaries public, as was recommended by the member for Inkster (Mr. Lamoureux) yesterday.

All of those matters, I think, are matters in which we can take some proactive actions so that we can get at the heart of a number of those issues, and that is over and above the issues that we are talking about with respect to what the review will produce.

**Mr. Doer:** Certainly we will look at any proposal the government has to deal in the regulatory way in which the preying on innocent immigrant applicants has taken place, as documented very effectively the other day in the TV documentary. That is one of the issues, and I am sure all members of this House will look very realistically at any proposals the government may present.

My question to the Premier still remains: How can we have an issue such as the alleged Pollock affair—and I use that term; it is the public term—the prosecution of one individual in our society and the dropping of the charges? Why are we bringing in an independent investigator because the Crown is involved in that issue and having an independent investigation in that case? Why is the public interest not equally served by an independent investigation outside of the Order-in-Council appointments of this government, so that not only will the investigation be independent, but will also be perceived as independent in this case?

**Mr. Fillmon:** Because, Mr. Speaker, clearly in the one instance, there were not only allegations, but there were charges initially laid. There were police

investigations and all sorts of documentation to back up the issue.

In this case, we have none of that. We have the police now, the RCMP, doing a review to see whether or not there is issue for charges. Also, we have some senior officials within government, nonpolitical officials within government, reviewing from our side to see whether or not allegations are substantive to result in further action. Further action, in terms of the kind of requirements that are in our acts, will undoubtedly have to be done by independent people who are not political appointees or Order-in-Council appointees of government.

We are waiting now to see what substance there is that may lead to further action under the various pieces of legislation in Manitoba. I have said that none of it is ruled out at the present time. It is a matter of going step by step in due process to ensure that we have sound basis upon which to take a further step.

\* (1025)

**Mr. Doer:** Mr. Speaker, this Legislature has had allegations before and moved to independent investigations when the government knows full well that the allegations must be investigated outside of the political arena.

I mention the case of Wilson Parasiuk who, when there were some media reports about his conduct, immediately asked not that the Civil Service Commissioner investigate it, or not that the other officials in other departments in government investigate it, but he asked for an independent investigation and inquiry and had former Chief Justice Sam Freedman involved, immediately moving it out of the public arena, out of the political arena, out of the public service arena, into the independent.

I would ask the Premier: Why can we not have an independent investigation of this matter? Two of the three principals mentioned in the story on Wednesday night had been confirmed to have had previous political activity with the Premier himself. Now, surely it is in the Premier's best interest, and the public's best interest, to have a full and independent investigation of this matter, not have it investigated by two out of three people who the Premier has mentioned report directly and are hired and fired directly by the Premier.

**Mr. Filmon:** Mr. Speaker, again, we do not have any direct parallels. We have a request for a review

by an elected member of the Legislature, somebody who is obviously not going to ask for a review by the Civil Service of his actions when he is the minister. That is the kind of thing that engendered a public enquiry, and I might say the allegations that were made were made by the media. That individual said that he wanted to have that done by an independent authority because he, as an elected public representative, felt that was the only appropriate way. -(interjection)- We are not dealing with elected public representatives. Do you want to have me investigated?

**An Honourable Member:** No.

**Mr. Filmon:** Okay, well, if that is the case, that is fine. You have no allegation against me, right?- Okay.

Well, Mr. Speaker, there is an appropriate process. We, in this country, believe in due process. We believe that everybody is entitled to the protection of the law and that there ought to be processes in place. We have legislation which, if there is any indication that any legislation has been contravened, will result in the kind of independent review that the member envisages, and that independence is set forth in our legislation. The appropriate way in which those things are investigated is called for in our legislation, and we will abide by our legislation.

### **Claro Paqueo Notary Public Status**

**Mr. Kevin Lamoureux (Inkster):** I have a question for the Minister of Co-operative, Consumer and Corporate Affairs.

Mr. Speaker, this is, in fact, a sad story. I had talked to a couple of individuals who are facing deportation as a direct result of Mr. Paqueo's actions, and I am glad to see that the government is, in fact, taking it seriously. There are some actions that they can take, they should have taken yesterday, and in that respect I would ask the minister: Has the minister revoked Mr. Claro Paqueo's certification as a notary public?

**Hon. Linda McIntosh (Minister of Co-operative, Consumer and Corporate Affairs):** I thank the member for his question and his interest in this very serious topic.

We do indeed take the matter very seriously. We are most concerned. You have heard the Premier indicate to the House already that he has asked me

and certain other ministers to take a good look at our procedures to see if there is any way they could be improved to help offset this kind of situation, both now and in the future.

With regard to the member's specific question, I did yesterday afternoon discuss this matter with my department officials, and I am waiting to meet again with them later today to discuss the whole matter.

At the moment, we are looking at the whole situation, all the ramifications and taking it most seriously indeed, Mr. Speaker.

### **Claro Paqueo Marriage Commissioner Status**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, Mr. Paqueo obtained the notary public illegally. It should be revoked. The minister does not need to wait. It is illegal, to the Premier, the fact he obtained it illegally, because he had a criminal record. Because of the process that is in place, he was allowed to retain another notary public.

My question is to the Minister of Family Services. Given that there have been allegations that Mr. Paqueo has advocated for fraudulent marriages, has this minister suspended his marriage commission licence?

**Hon. Harold Gillieshammer (Minister of Family Services):** The member is correct. There are serious allegations that are of the subject of a police investigation, and we will be co-operating to the fullest with that process.

\* (1030)

### **Immigration Consultants Licensing**

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, it is becoming very disappointing when I hear the Premier saying that he is taking action and the ministers are, in fact, not taking the action that we believe they should have taken yesterday.

Mr. Speaker, this is not a new problem. Immigration consultants—we have had a task force that was tabled in the House of Commons in April 1981 recognizing the seriousness of the problem. There is a role for the provincial government.

My question to the Minister of Culture, Heritage and Citizenship is: Will the minister act immediately and start to negotiate with the federal counterparts to ensure that such consultants are licensed?

**Hon. Bonnie Mitchelson (Minister of Culture, Heritage and Citizenship):** Mr. Speaker, the very short answer to that is absolutely yes, and the Premier (Mr. Filmon) just indicated a few minutes ago, in fact, that would be a main priority in negotiations with the federal government for an immigration agreement for Manitoba. We will be working towards that end, and that will be the main issue that will be on the table in the negotiation of that agreement.

### **Health Care System - National Minister's Position**

**Ms. Judy Wasylycia-Lels (St. Johns):** A couple of weeks ago, federal Health Minister Benoit Bouchard invited provincial Health ministers to a mid-June meeting to discuss re-examination of financing medicare. That is obviously a very important meeting. Manitobans are very concerned about the future of medicare. Time is running out with probably less than eight years before the federal government has totally pulled out from health care.

I would like to know from the Minister of Health what position he is taking to that meeting, and if he is registering the strongest possible opposition to federal reductions in transfer payments and the pullout of medicare, and is he taking forward a position of renegotiating a transfer payment system?

**Hon. Donald Orchard (Minister of Health):** There was communication from the federal minister, but as I speak today, there has been no finalized date and participation of that meeting by provincial ministers. One can appreciate that takes a little longer time to have all of the ministers coming together for a meeting.

To answer the larger question, we have been quite consistent in our approach to the federal government in terms of our encouragement to them to continue their support funding of health and post-secondary education. That position will remain consistent at any future meeting we are able to arrange with the new federal Minister of Health. Mr. Speaker, I will attempt to inform my friend as soon as I have knowledge of the date that is mutually acceptable to my counterpart, so that all of us can attend to discuss these issues with the federal minister.

### Public Consultations

**Ms. Judy Wasylycia-Lels (St. Johns):** Since the minister may have a little more time than we had anticipated in terms of the scheduling of this meeting, would the minister agree to calling a meeting, having a consultation with individuals and organizations involved in working with, concerned about health care, something that was promised in the Speech from the Throne, around the issue of federal cutbacks? Would he agree to call such a meeting to get the input from Manitobans and to be able to take to this meeting a very strong united position?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, in terms of the issue of financing of our health care system, this government spoke with a very strong message to Manitobans that, despite our flat revenues this year, exacerbated by federal government decisions in terms of EPF and transfer payments, exacerbated by the current recession that is impacting this province and all of Canada, we still provided a 5.3 percent increase to health care.

That requires some very difficult decisions around Treasury Board involving other departments and other service delivery. That put the emphasis that this government has stated clearly and unequivocally it will try and maintain despite all of the financial difficulties faced by this province to support health care and the programs of health delivery that Manitobans have come to rely on.

That position of funding that has become publicly known to everyone in this last budget has been the consistent position that we have taken forward. In that regard we believe we have represented Manitobans, because certainly members in the opposition have offered their comments of support for this government's approach to health care in the past.

### Government Strategy

**Ms. Judy Wasylycia-Lels (St. Johns):** Yes, we have heard the words and the rhetoric from this minister and this government about opposition that we all share to federal cutbacks. We would simply like to know specifically how this government is prepared to negotiate with Ottawa. What strategy is it taking forward? Is it prepared to table something in this House so that we can all join in the discussion of this very important issue?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, in terms of the discussion of this very important issue, we discussed this very important issue at Estimates last year. If I have one regret, I must say to my honourable friend the official opposition Health critic that I did not get any substantive suggestions from her opposition party on how to resolve some of the health care difficulties. All I have received from the official opposition, the New Democrats, is spend, spend, spend. That is not the environment that we are in today.

Mr. Speaker, my honourable friends over there like to talk about cut, cut, cut. This government put its priority in health care with a 5.3 percent increase. Other departments took a zero percent increase. That is the focus of priority that we put on health care. We have taken substantial progressive steps in this province to bring together the key players of health care, through the Urban Hospital Council, through the task forces we struck studying health issues, to bring that kind of valued opinion to—

### Rural Dignity of Canada Government Support

**Mr. Conrad Santos (Broadway):** Mr. Speaker, to the honourable Minister responsible for Seniors.

Tradition has it that neither rain, nor snow, nor sleet, nor hail could ever stop delivery of postal mail, but in Canada today neither recession, nor unemployment, under the Tory government, could ever stop the closing of postal outlets. We have learned today that there are 150 more rural postal outlets that will be closing by July. This is just accumulative development starting in 1987. Since then there have been 920 postal outlets either given to private contractors in Canada or outrightly closed.

Can I ask this honourable minister whether they have reconsidered their decision, their negative decisions, and now support Rural Dignity in their fight to stop the closing of postal outlets?

**Mr. Speaker:** Order, please. The honourable member's question deals with a matter which is not within the responsibility of the government. I would ask the honourable member for Broadway to rephrase his question, please.

**Mr. Santos:** Mr. Speaker, will this government support the people of rural Manitoba represented by Rural Dignity in their fight to stop the closing of postal outlets?

**Hon. Gerald Ducharme (Minister responsible for Seniors):** Mr. Speaker, I thought I was going to get another history lesson, only this time on the status of women. However, I must mention that in 1987, when this was started by the federal government, there are members on this side of the House, when they were in opposition, went to the other type of results, went to local post offices, got them to assume some of those responsibilities, unlike the position of the member across the way.

### Canada Post Rural Outlet Closures

**Mr. Conrad Santos (Broadway):** Mr. Speaker, October of last year I asked the honourable Minister responsible for Seniors about the rural post office and they said that they are opposed to reducing services to seniors.

Now the question is: What have they done since October of last year in order to help stamp out the closing of postal rural routes?

**Hon. Gerry Ducharme (Minister responsible for Seniors):** Mr. Speaker, I just mentioned to the member across the way that our members throughout the rural areas have been working with other accommodations to accommodate the seniors in those particular areas. Like this member who went to a local drug store when it was closed down in his area in 1987, I worked. Maybe I would suggest the member go out and try means to help the seniors, instead of just bringing lip service to this Chamber.

**Mr. Santos:** Mr. Speaker, in the face of the present onslaught in closing more postal offices, what will this government do in order to help the rural people stamp out unemployment by the closing of postal offices by the federal government?

**Mr. Ducharme:** Mr. Speaker, we will continue to work with the seniors as we have expressed throughout our election in 1988, working with the seniors. We just had a meeting last night with the seniors MSOS and they compliment us on our work that we have carried out since 1988.

\* (1040)

### Runaway Youth Family Support Programs

**Mr. Reg Alcock (Osborne):** Mr. Speaker, the problem of runaway youth in this community is a growing one and one that is of increasing concern

to people who work with children in this community. The Social Planning Council of Winnipeg, in a recent release, has pointed out that one in two such youth are sexually abused, that one in two such youth have attempted suicide, that three in four abuse alcohol or drugs, and the average age of the first run is 12 years old.

Mr. Speaker, some of the family support programs that were in place in this province were an attempt to prevent this or to allow families to recover their children. These services have been cut in this province.

Every time I raise that with the Minister of Family Services (Mr. Gilleshammer), he indicates that no such policy is in place, that they are continuing to provide services to older children. I am beginning to understand why he believes that.

I have to table two letters, Mr. Speaker. In these two letters, I would like to ask the minister why there is such a discrepancy between the advice or the statements that are made by his department that the reductions are for service reasons and the very clear letter from the agency that says we are terminating the services of the contract support worker to your family because of budget restraints. I would like to ask why his department has one story and the agency has another one?

**Hon. Harold Gilleshammer (Minister of Family Services):** Mr. Speaker, I am pleased that the member has met with the Social Planning Council of Winnipeg. They indicated after our meeting yesterday that they would be in contact with the critics for the other parties.

The question of runaway youth in this province, in Winnipeg, across the country is one of great concern. I would point out to the member—and I believe he knows this from his vast experience as a consultant and his role with Child and Family Services agencies in the past—that the majority of the runaway youth are youth who have already come into custody and are in foster homes and treatment centres. They are already being served by the agencies and the treatment centres and yet they run away. That is a concern. Agencies and treatment centres have to strike a proper balance between the number of youth who are under lock and key and the ones they are working with.

In reference to the letters he has tabled, I would be very interested in seeing them. The decisions the member references are decisions that are made

by boards and by agencies, and they have difficult decisions to make at times.

I know the honourable Finance critic sent thousands and thousands of letters out to constituents in recent times, indicating his awareness of these difficult decisions and asking for input from his constituents—

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

### Government Policy Statement

**Mr. Reg Alcock (Osborne):** Well, Mr. Speaker, I got input. The input was that the services offered by Family Services should be protected. That was the input I got.

Mr. Speaker, the minister's department is saying these cutbacks are for service reasons. The agencies are saying they are for financial reasons—

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

**Mr. Alcock:** I would ask the minister, is there a policy statement forthcoming from his department on the problem of runaway youth?

**Hon. Harold Gilleshammer (Minister of Family Services):** Mr. Speaker, we certainly await the member's input on the thousands of letters that he sent out to his constituency and any of his assistance probably in Estimates in providing some of those comments.

I think the member is also aware that Family Services was a priority of this government, as we stated. He is well aware that the increase in budget to this department was almost 7 percent, which was the highest increase in funding of any department in government and shows our commitment to the Family Services department.

The question of runaway youth was brought forward yesterday by the Social Planning Council. In my meeting with them, there was a request that we study this report and bring it forth to a wider group within government. I, in meeting with them yesterday, indicated that we would give this report serious consideration, that I would share it with the department staff, and in due course, we would make decisions on whether a broader policy statement was in order. The number of organizations that are serving runaway youth—

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

### Family Support Programs

**Mr. Reg Alcock (Osborne):** Mr. Speaker, the agency did not get 7 percent. It got zero percent.

Mr. Speaker, there is a mother in this community who has worked very hard to recover her daughter from the streets, and she was being successful. The policies of this minister have resulted in that child returning to the streets.

Will the minister—

**An Honourable Member:** Cheap shot.

**Mr. Alcock:** That is not a cheap shot. That is a fact. The only thing cheap here is the Minister of Finance (Mr. Manness), Mr. Speaker.

One of those letters, Mr. Speaker, was copied to this minister. Now I would ask that he investigate and see that this mother gets the support that she needs to keep her daughter off those streets.

**Hon. Harold Gilleshammer (Minister of Family Services):** Mr. Speaker, we get many letters in this department from parents and from people who access the system. I believe I am aware of the case the member is referencing. I think the member is also aware of this specific case where one of the treatment agencies is currently involved with that child and with that family. He nods in the affirmative.

We have a case here where service was being provided by the agency, by a treatment centre and by others in the system. We have a very complex system in Manitoba where there are many, many service providers, but the service to that family and to that child is being provided by one of the so-called big four treatment centres in the province. They are comfortable that the treatment and the work that they are doing is working well, and the agency made their decision on that basis.

### Education System Funding

**Mr. Dave Chomlak (Kildonan):** Mr. Speaker, we have heard a lot about choices by this government, but the problem is this government has made a lot of the wrong choices.

We learned from the Estimates process, on documents tabled by this minister, that two private schools in the city of Winnipeg got more money in increases this year than all of the special needs students in Manitoba combined. Is it any wonder the Winnipeg School Division No. 1 has to hire a private fundraiser?

What will this government do to ensure that Winnipeg No. 1 and the other school divisions in this province get proper funding next Estimates process?

**Hon. Leonard Derkach (Minister of Education and Training):** Mr. Speaker, I guess the answer to that would be, as long as we could assure that our provincial economy is strengthened, then indeed we would share that strength of the economy with the school divisions in this province.

Mr. Speaker, more than that, it is important that school divisions set their priorities as well in terms of what they deem are important programs that need to be preserved. They have the responsibility to set their mill rates.

Mr. Speaker, in the case of Winnipeg School Division No. 1, besides the regular grants that go to Winnipeg No. 1, we have also afforded Winnipeg No. 1 special grants to deal with the special needs students who they have within that division. Indeed, Winnipeg No. 1 has been treated as fairly and even more so than many of the other school divisions in this province.

### High School Bursary Program Reinstatement

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

Clearly the government has shown where its priorities lie by funding those schools rather than special needs. Last week the minister indicated that there was no evidence that the cutback in the high school bursary program affecting 3,800 students would limit access.

Now that the minister has a letter from students at the Winnipeg Adult Education Centre imploring him and asking him to reinstate the program, will he reconsider the cutting of 3,800 students from the high school bursary program, a program that aided needy students?

\* (1050)

**Hon. Leonard Derkach (Minister of Education and Training):** Mr. Speaker, as I indicated in the Estimates process, adult students who are attending high schools have other avenues to get support through the student loans program and, indeed, these students can apply for student loans through the student loan program and through the social assistance program to help them to meet their costs in gaining a high school education. Students

who are attending the public school system who are school age, indeed, there are no tuition fees for them to attend school. Any supports that they would receive would come through the social assistance program.

**Mr. Speaker:** The time for Oral Questions has expired.

### ORDERS OF THE DAY

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, would you call second readings of Bills 51, 57, 58, then 55, 56, and if there is time after that, then we will go into adjourned debate starting with Bill 38.

### SECOND READINGS

#### Bill 51—The Pharmaceutical Act

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I move, seconded by the Minister of Highways and Transportation (Mr. Driedger), that Bill 51, The Pharmaceutical Act; Loi sur les pharmacies, be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Orchard:** Mr. Speaker, I am pleased to present to the House today Bill 51, dealing with The Pharmaceutical Act.

I think it is important to note, as I introduce this bill for second reading, that the Manitoba Pharmaceutical Association has just recently celebrated its 113th anniversary of operation in Manitoba and, as such, is certainly one of the most longstanding health professional associations in the province.

On a personal note, Mr. Speaker, I have to indicate to you that the pharmacy association, the professional association and the pharmacists of Manitoba have been very, very co-operative in providing advice to myself as Minister of Health over the last three years have been instrumental, for instance, in bringing to this government that very progressive reform of a pharmaceutical prescription procedure called the Triplicate Prescription Program. That program was advanced to myself by the Manitoba Pharmaceutical Association as their answer to abusive use of addictive and narcotic pharmaceuticals.

I took their advice, Mr. Speaker, and in co-operation with the College of Physicians and Surgeons, we brought in the Triplicate Prescription

Program. It has been most successful because in its first full year of operation, we have every reason to believe that the number of narcotic and restricted prescriptions that were issued decreased by 34 percent as a result of that progressive measure.

The estimated cost saving to the Treasury of Manitoba is in the neighbourhood of \$800,000. That does not even touch the entire saving to the health care system because those are reduced prescriptions which were, in fact, detrimental to the health status of individuals, so we have had a significant improvement, I submit, in the health status of Manitobans.

That, Mr. Speaker, is but one example of a number of suggestions, issues, consultations made by Manitoba's professional pharmacists to this government in an effort to deal more effectively with the health care system in the province of Manitoba. I am simply pleased to be able to present in this session this Bill 51, The Pharmaceutical Act.

Mr. Speaker, the Manitoba Pharmaceutical Association, through this act, is a self-governing professional association which is responsible for licensing, setting practice standards and disciplining pharmacists and pharmacies in Manitoba. This bill, as it moves through its final consultative process and debate in second reading and subsequent committee hearings, passage in third reading, will result in contemporary legislation for managing pharmaceutical matters and affairs in the province of Manitoba.

I might say this culminates a process which began in 1985 when the Manitoba Pharmaceutical Association first sought and received agreement from the then Minister of Health to bring forward amendments to the act. The initial amendments were submitted in 1987 with more amendments submitted in 1988. In total, the Manitoba Pharmaceutical Association put forward some 100 amendments, many of them dealing with discipline procedures.

As a result of the number of amendments proposed, it was agreed that we ought to rewrite The Pharmaceutical Act to incorporate the proposed changes and to clear up other technical aspects that were part of the former legislation.

Mr. Speaker, that is what is being presented today in Bill 51, and it is the culmination of some five years of effort on behalf of the Pharmaceutical Association

and government—two governments, in fact—to bring this act forward.

The Pharmaceutical Association has envisioned that the discipline section of this act should serve two purposes: first and foremost, to protect the public's interest, and we concur; secondly, to treat those subject to investigation in a fair and just manner, and we agree with that as well, Mr. Speaker.

Under the current act, there is no provision for a complaints committee or a preliminary hearing committee. All complaints, regardless of how serious they are or how valid they may well be, must go directly to the Discipline Committee under the present legislation. This is a step-by-step analysis of the current procedure in the existing act which will be replaced in this Bill 51.

The current procedure involves, firstly, that the registrar of the Manitoba Pharmaceutical Association receive a written complaint on one of its members or a pharmacy in the province of Manitoba. The registrar will notify the Discipline Committee chairperson. A meeting must be called within 90 days of the Discipline Committee. The committee will decide to hold a preliminary investigation. The hearing must be called within 90 days after the investigation is complete.

Now, some of the problems that have come to light with this process is that, due to the delays that I have just outlined in the process, those subject to investigation, be they individual practitioners or pharmacies, and subsequently found by the current process to have acted outside the provisions of the professional act, can continue to practise because, under the current act, there is no suspension pending a hearing. The delays frustrate the complainants. The Pharmaceutical Association is perceived to be dragging its feet, and this can lead to the accusation, although I have not heard it or have not received it myself, that as a professional group, they were delaying the investigation process to protect their own. That certainly is not an impression that would be accurate in its statement of the Manitoba Pharmaceutical Association because they want to proceed as quickly as possible into any investigation of a complaint.

The Discipline Committee hearing is formal. It often involves lawyers. It can oftentimes become complicated, very complicated. Simple matters, which could be solved at a complaints committee

level, are sometimes lost on technicalities, and discipline hearings are currently held in private. The time frame in recent history, since 1985, when the amendments have been proposed, for example, have gone from one year upwards to a time of two and a half years from the time that the registrar received the written complaint until that complaint was resolved through the process, a one-year to two-and-a-half-year delay since requests were made five years ago to change the act.

\* (1100)

Now, the new act will establish a complaints committee made up of three people who can meet regularly and handle complaints quickly. The three people will have the power to, firstly, direct the matter be referred, in whole or in part, to the Discipline Committee, direct that the matter not be referred to the Discipline Committee. The complainant in this case, if this is the decision of the hearing of the complaints committee, has the right to appeal this decision not to refer the matter to the Discipline Committee and has the right of that appeal to attempt to reverse that decision by the complaints committee, or the complaints committee can accept the voluntary withdrawal of a member of his or her right to practise pharmacy in the province of Manitoba, or fourthly, they can issue a formal -(interjection)- well, the member for Dauphin (Mr. Plohman) says this sounds a bit fishy to him. I hope he would read the act and consult with the professional pharmacists of Manitoba before the member for Dauphin would make those kinds of ill-informed comments such as this act sounds fishy.

Mr. Speaker, the member for Dauphin, in speaking to Bill 5, amendments to The Mental Health Act, indicated that he had consulted widely when, in fact, he had met with no one. That has been confirmed to me by the Canadian Mental Health Association, that they did not meet with the member for Dauphin as he alleged in his debate.

The member for Dauphin, on debate in Bill 5, amendments to The Mental Health Act, embarrassed his party and is now embarrassing his party with comments that this pharmaceutical act sounds fishy.

#### Point of Order

**Mr. Steve Ashton (Opposition House Leader):** Mr. Speaker, I believe the minister did revert to discussing Bill 51, but for a considerable period of time there was reference to Bill 5. I would ask that

you point out to the minister that he is introducing Bill 51, not Bill 5.

**Mr. Speaker:** On the point of order raised, I would remind the honourable minister that he is doing Bill 51 for second reading.

\* \* \*

**Mr. Orchard:** Mr. Speaker, the reason I referred to the member for Dauphin (Mr. Plohman) is because I was introducing Bill 51, The Pharmaceutical Act. The member for Dauphin—and I hope he is not putting forward the party position of the NDP—said that this sounds a little fishy, calling into question the integrity of the Manitoba Pharmaceutical Association. I pointed out that he did that similarly in his comments on the record to Bill 5, amendments to The Mental Health Act.

He is a discredit and a disservice to his party when he makes those kinds of ill-informed comments. That is why I referred to the member for Dauphin, Mr. Speaker.

Mr. Speaker, the fourth thing that the complaints committee can undertake is to issue a formal written caution to the member censuring the member's conduct if appropriate. Now the committee can suspend a licence pending a hearing if there is a public risk. The Pharmaceutical Association estimates that 75 percent of the cases heard in recent years could have been handled at the complaint committee level.

This new act will allow prosecution of nonpharmacist pharmacy licence holders. This is a provision brought in because of the recent evolution of increased outside ownership or nonpharmacy pharmacist ownership of pharmacies, often by large corporations. A section in the new act will allow the prosecution of those pharmacies wholly owned by nonpharmacists and corporations. The association considers this particular amendment essential to the governance of their profession on behalf of the citizens of Manitoba.

Another provision of the act which I think is very appropriate for today is that this new act will provide for open public hearings by the Discipline Committee.

One of the provisions in the bill is for substantially increased fines for offences, as determined through the due process of the Discipline Committee. Under the present legislation, the fines are modest in today's standards. One can understand that

because the fine levels have been in place for probably a couple of decades. Under the proposed legislation, penalties for pharmacists can include fines up to \$10,000 and, for corporate pharmacy holders, up to \$25,000. Further offences increase some of those fines, Mr. Speaker.

Mr. Speaker, it is hoped that the act, with its provision for larger fines, may well act as a deterrent to improper process and improper delivery of service by pharmacists and pharmacies in the province of Manitoba. There have, in recent years, been rare but, nevertheless, some cases of fraudulent billings by pharmacists to federal government and provincial government agencies.

I mentioned earlier that fines to corporations can be set at higher levels than those for individuals. Under the new act, the pharmaceutical association, again after due process before the Discipline Committee, will be able to set fines for corporations at a level higher than individuals. The proposed legislation will allow for a \$500 minimum fine for individuals to a maximum of \$10,000 for that individual and a maximum for the corporation of \$50,000, and that is, I believe, on subsequent conviction. These fine levels are similar to provisions recently included in both Ontario and Alberta legislation, so that what we have in Manitoba's act again is a bringing up of The Pharmaceutical Act of Manitoba to contemporary standards of ability to govern their profession.

(Mr. Jack Penner, Acting Speaker, in the Chair)

There are other improvements to The Pharmaceutical Act, and it reaffirms the exclusive rights of pharmacists to practise pharmacy in the province of Manitoba. Those rights exist, Mr. Acting Speaker, in the current legislation. They are restated in Bill 51, and they are not enhanced in any way or made more exclusive.

There were a couple of sections added due to changes in the profession. One change ensures that only a pharmacist will communicate information to the patient at the time of dispensing or selling a drug. I think, when one considers that, that is a reasonable change, that a pharmacist trained in the profession would provide information to the patient as to the nature and the expected reaction that the individual might have from the pharmaceutical product being dispensed, and the second ensures that a pharmacist will supervise the repackaging of drugs in a pharmacy. It does not give pharmacists,

as I have said earlier, any exclusive right that they did not have under the current act.

Mr. Acting Speaker, there is a section of the bill which also has been discussed with both the College of Physicians and Surgeons and the Manitoba Association of Registered Nurses which has application to those groups. Both have indicated that they are in agreement with the provisions of the section of the bill which would have some application to their professions.

With regard to the association itself, Bill 51, the new act, will provide flexibility in establishing a quorum for any of their meetings, and there will be flexibility for notice of meetings subject to the amendment or repeal by the members. They can self-govern greater flexibility into the notice for meetings.

\* (1110)

In summary, Mr. Acting Speaker, the changes to The Pharmaceutical Act will change the hearing process, the disciplinary hearing process from a closed process to an open hearing process. That is a very progressive change requested by pharmacists of Manitoba and certainly concurred in by government. It will change the hearing complaint process to give a fairer, more expeditious process for all involved.

It provides for an increased range of fines which can be levied against those pharmacists or pharmacies which have been found in contravention of the provisions of professional pharmacy, as embodied in this act. It will also give greater control over actions of corporations which may own pharmacies, and these are nonpharmacist corporations which may own pharmacies. It is provided within this act a more rational system for electing officers and for providing other administrative procedures for the profession itself.

I would close, Mr. Acting Speaker, again by reiterating to my honourable friends—and I know they no doubt will concur, if they have had dealings with the professional pharmacists of Manitoba, that pharmacists are very excellent individuals in the field of health care who have provided very good suggestions to government—this government, governments in the past. They are very much progressive partners in health in the province of Manitoba.

I would recommend to all members of the House, including the member for Dauphin (Mr. Plohman),

this act for consideration and for speedy passage because it provides contemporary legislation, modern legislation for the professional discipline of pharmacy in the province of Manitoba. Thank you, Mr. Acting Speaker.

**Mr. Ashton:** I move, seconded by the member for Dauphin (Mr. Plohman), that debate be adjourned.

**Motion agreed to.**

### **Bill 57—The Horse Racing Commission Amendment Act**

**Hon. Eric Stefanson (Minister responsible for Sport):** Mr. Acting Speaker, I move, seconded by the honourable Minister of Urban Affairs (Mr. Ernst), that Bill 57, The Horse Racing Commission Amendment Act (Loi modifiant la Loi sur la Commission hippique), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Stefanson:** The original Horse Racing Commission Act, creating the first Horse Racing Commission in Manitoba, was passed in 1965 and has remained relatively unchanged since that time, without addition or amendment.

However, this act is in need of some minor remedial housekeeping amendments to cover off potential defects and to make it difficult or impossible for the act to be administered as intended. Firstly, all horse racing jurisdictions in North America, and indeed, I believe, throughout the rest of the world where pari-mutuel wagering is offered, employ stewards to supervise the actual day-to-day race competitions and race activities much as other sports employ referees, umpires and similar officials.

In racing, these officials supervise the actual running of a race but also are charged with the responsibility of conducting post-race hearings into racing infractions and other breaches of the rules, and where appropriate, they mete out fines or suspensions for proven infractions. The decisions and penalties are subject to an appeal procedure to the Board of Racing Commissioners.

In Canada, the practice is to empower the racing commission, itself, to prepare and pass the rules and regulations governing that sport. Most jurisdictions specifically empower the racing commission to delegate to the stewards and other employees the powers needed to carry out these responsibilities.

In reviewing the existing act, while the Legislature clearly empowered the commission it created to employ stewards and other personnel to carry out the day-to-day authority of the commission, there is some question whether the language used to delegate that authority to the commission is explicit enough in law to have the effect intended.

It is, therefore, the intention of this housekeeping amendment to make it abundantly clear that the Board of Commissioners is to have the power to engage stewards, judges and other individuals to carry on the day-to-day administration of the rules and regulations of racing, in particular the power to hold hearings and provide penalties for infractions.

Secondly, Mr. Acting Speaker, it is the intention of this amendment to provide the individual citizens, who are from time to time asked to serve as commissioners, with protection from the possibility or threat of personal lawsuit during a bona fide exercise of their duties as commissioners and to extend that protection to the individuals employed by the commission to carry out the day-to-day functions of the commission.

It is to be noted that most commissions require to undertake quasi-judicial hearings, and decisions are afforded this type of protection. It is also to be noted that the protection extends only where the commission and its people are acting in a bona fide manner. Thus, anyone damaged by a malicious or other deliberate unwarranted action on the part of the commission would retain his or her right to due process of law.

Therefore, Mr. Acting Speaker, I am pleased to support Bill 57, The Horse Racing Commission Amendment Act.

**Mr. Steve Ashton (Opposition House Leader):** I move, seconded by the member for Dauphin (Mr. Plohman), that debate be adjourned.

**Motion agreed to.**

### **Bill 58—The Development Corporation Amendment Act**

**Hon. Eric Stefanson (Minister responsible for The Development Corporation Act):** Mr. Acting Speaker, I move, seconded by the honourable Minister of Urban Affairs (Mr. Ernst), that Bill 58, The Development Corporation Amendment Act (Loi modifiant la Loi sur la Société de développement), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Stefanson:** Mr. Acting Speaker, the Manitoba Development Corporation is currently in a surplus cash position. At the present time, the capital stock is \$50 million while there is a deficit of about \$45 million, a deficit that has been created over many years from previous investments with no opportunity for future earnings.

My understanding is that it is not legal to issue a dividend while in a deficit position. Therefore, by reducing the book value of the capital stock to \$1,000, this will, in fact, change the net deficit from \$45 million to a surplus of \$5 million. At that point, a dividend can legally be issued.

\* (1120)

The province has already previously reduced the book value of the \$50 million capital to \$1. Therefore, this reduction of capital stock will approximately match the province's book value. As well, there is an example and precedence in that McKenzie Seeds reduced their capital stock along the same lines as is being proposed here by the Manitoba Development Corporation.

I am pleased to support Bill 58, The Development Corporation Amendment Act. Thank you.

**Mr. Steve Ashton (Opposition House Leader):** I move, seconded by the member for Dauphin (Mr. Plohman), that debate be adjourned.

**Motion agreed to.**

### **Bill 55—The Employment Standards Amendment Act (2)**

**Hon. Clayton Manness (Government House Leader):** Mr. Acting Speaker, on behalf of the Minister of Labour (Mr. Praznik), I move, seconded by the Minister of Urban Affairs (Mr. Ernst), that Bill 55, The Employment Standards Amendment Act (2) (Loi no 2 modifiant la Loi sur les normes d'emploi), be now read a second time and referred to a committee of this House.

**Motion presented.**

**Mr. Manness:** Mr. Acting Speaker, the proposed amendments set out in companion Bill 55, which I have just introduced, plus 56, which I will introduce shortly, are aimed at providing for a more effective utilization of existing resources by streamlining procedures without impacting negatively on the balance, rights and obligations of either employees or employers.

The proposed changes provided for in these bills, I am pleased to say, were developed in consultation with the Manitoba Labour Management Review Committee, which is composed of employer-employee representatives and is chaired by Mr. Wally Fox-Decent. I am also pleased to note that the amendments set out in these bills were unanimously recommended by the committee.

Mr. Acting Speaker, with respect to Bill 55, The Employment Standards Amendment Act (2), the proposed amendments are as follows:

One, first under existing legislation, the requirement to give notice of termination of employment by either the employer or the employee does not apply during the first two weeks of employment. An amendment stipulates that the notice requirements will not apply during the first 30 days of employment. It is considered that the existing two-week nonapplication period provides an insufficient probationary period of time for an employer to assess an employee and to determine whether he or she wishes to continue to employ the employee. As well, two weeks is considered to be insufficient time for an employee to determine whether he or she wishes to continue in the employment of the employer. These observations are recognized in collective agreements where, in most cases, probationary periods are significantly longer than two weeks.

Secondly, under the existing act, Manitoba Labour Board authorization is required for an employer and a bargaining agent to be able to agree to a work arrangement allowing standard hours of work, which are eight per day and 40 per week, to be exceeded without payment of overtime, provided that the average number of hours worked over a specified period does not exceed standard hours. It is being proposed that an employer and a bargaining agent be able to agree to such a work arrangement without Labour Board authorization. For example, where shift work was performed, they could agree to work 160 hours over a four-week period without payment of overtime in cases where 44 hours may have been worked in two of those weeks and 36 hours in the other two weeks. We see no need for the Labour Board to become involved in approving or supervising these work arrangements.

Thirdly, the act now empowers the Manitoba Labour Board to issue hours-of-work orders that permit standard hours of work which, as indicated,

are eight per day and 40 per week, to be varied in certain circumstances. These hours-of-work orders must be reviewed by the Labour Board at least once each year.

An amendment is proposed that would require the board to review hours-of-work orders only every two years, except where the board considers more frequent review to be advisable. The experience of the board has shown that annual reviews in all cases are unnecessary and represent an ineffective use of the board's time and resources.

Mr. Acting Speaker, a further amendment provides that the time period for filing complaints respecting the failure to give the required notice of termination of employment will be extended from 90 days to six months. The intent is to provide consistency with the time allowed for filing complaints under The Payment of Wages Act.

Lastly, Bill 55 provides that the exemptions from the individual notice of termination of employment requirements will be made more consistent with the exemptions from the group termination of employment requirements. The intent is to eliminate some confusion presently experienced by employers and employees with respect to the application and nonapplication of the individual notice of termination of employment provision.

Mr. Acting Speaker, again I reiterate for members of the House, these amendments have been agreed to unanimously by the Manitoba Labour Management Review Committee. I commend them to the House, and I hope the House sees fit in supporting the intent of Bill 55 in an expeditious fashion. Thank you.

**Mr. Steve Ashton (Opposition House Leader):** Mr. Acting Speaker, I move, seconded by the member for Dauphin (Mr. Plohma), that debate be adjourned.

**Motion agreed to.**

### **Bill 56—The Payment of Wages Amendment Act**

**Hon. Clayton Manness (Government House Leader):** Mr. Acting Speaker, on behalf of the Minister of Labour (Mr. Praznik), I move, seconded by the Minister of Rural Development (Mr. Downey), that Bill 56, The Payment of Wages Amendment Act (Loi modifiant la Loi sur le paiement des salaires), be now read a second time and referred to a committee of this House.

### **Motion presented.**

**Mr. Manness:** Mr. Acting Speaker, with respect to Bill 56, The Payment of Wages Amendment Act, the changes being proposed are as follows: Firstly, under existing legislation where the Director of Employment Standards makes a payment of wages order against an employer, the employer may have the matter referred to the Manitoba Labour Board for determination.

It is being proposed in Bill 56 that as a precondition to having a matter referred to the board, an employer be required to deposit in trust with the Director of Employment Standards, an amount up to a maximum of \$300 per employee. The intent of this amendment is to eliminate many of the frivolous referrals now being made to the board and to ensure that some monies are available where it is determined by the board that wages are owing to an employee. Experience has shown that in about 30 percent of the cases where board hearings are scheduled, either one or both of the parties failed to appear.

The proposed amendment should eliminate many of these cases and allow the board to more effectively utilize its time and resources. With respect to this precondition, the amendments make some accommodation for payment of wages orders involving large sums of money and a significant number of employees. More specifically, where a payment of wages order is for an amount in excess of \$10,000 and more than 20 employees are involved, an application may be made to the chairperson of the Manitoba Labour Board to have the amount of that deposit reduced. This is intended to alleviate any undue hardship that may be caused by the requirement to deposit monies in trust prior to a matter being referred to the Labour Board in cases where there are significant grounds for appeal.

\* (1130)

Secondly, provisions in the act relating to the liability of corporate directors and officers for the unpaid wages of a corporation are being amended to limit this liability only to directors of a corporation. This would provide for consistency with corporate director wage liabilities under The Corporations Act and would take into account the view that corporate officers generally have a different status than corporate directors.

In a related amendment the definition of the term "employee"

is being changed to make it clear that a corporate director does not have the status of an employee and is not entitled to utilized wage collection procedures under the act.

A further amendment will authorize the Manitoba Labour Board to sit as single member panels instead of three member panels for purposes of hearing referrals or appeals under The Payment of Wages Act. This should speed up the process of referrals to the board being heard and determined.

Fourthly, Mr. Acting Speaker, another amendment will generally provide that where a payment of wages order is made following a complaint, the order will be limited to wages payable in the six-month period preceding the complaint. The intent is to explicitly state in the legislation what has been the practice for many years.

Lastly, amendments are being proposed to allow for the reciprocal enforcement of payment of wages orders with other Canadian jurisdictions. This would allow for the enforcement of Manitoba payment of wages orders in reciprocating jurisdictions by authorities in those jurisdictions. Manitoba would, of course, be required to enforce the Manitoba payment of wages orders made in those reciprocating jurisdictions.

Mr. Acting Speaker, as indicated previously, the proposed changes in Bills 55 and 56 are aimed at streamlining procedures under the act and have the full support of the Manitoba Labour Management Review Committee.

Mr. Acting Speaker, on behalf of the Minister of Labour (Mr. Praznik), I would commend both Bills 55 and 56 for your approval and the approval of the House. Thank you very much.

**Mr. Steve Ashton (Opposition House Leader):** Mr. Acting Speaker, I move, seconded by the member for Dauphin (Mr. Plohman), that debate be adjourned.

**Motion agreed to.**

### House Business

**Hon. Clayton Manness (Government House Leader):** Mr. Acting Speaker, would you call adjourned debate on second readings, Bills 38, 42, 41 and 40 in that order, and then proceed from the beginning of the Order Paper beginning at Bill 5?

**The Acting Speaker (Mr. Penner):** Thank you. Agreed.

### DEBATE ON SECOND READINGS

#### Bill 38—The Wildlife Amendment Act

**The Acting Speaker (Mr. Penner):** On the proposed motion of the honourable Minister of Natural Resources, Bill 38, The Wildlife Amendment Act; (Loi modifiant la Loi sur la conservation de la faune), standing in the name of the honourable member for Swan River (Ms. Wowchuk). Is there leave to allow the bill to stand? Leave.

**Mr. Cliff Evans (Interlake):** Mr. Acting Speaker, I would like to welcome the opportunity to make a few comments on Bill 38. I would like to open on saying how, in my constituency, Interlake, as other rural constituencies, wildlife management and wildlife in itself is of great importance to the people in Manitoba and in our constituencies.

We relish the fact that we have a tremendous amount of opportunity to deal in areas where wildlife is an important part of our constituencies, of our province for tourism, for whatever else that we may use it for, just for viewing, just for going out and viewing the fine specimens that we have in this province—game birds, wildlife, all kinds of wildlife that we do have.

Mr. Acting Speaker, I would like to say, too, that in my constituency, where we have wildlife management areas, important areas that are there, the Narcisse snake pits, the area around Gull Harbour, around Hecla Island, that we in the Interlake are proud of. I think it is important that we maintain a certain amount of control over our wildlife management areas, our areas that are there for seeing and for having to say to the rest of the people in Manitoba, well, you know we have this and we have that. We have beautiful land areas, and we have management and control of our wildlife.

(Mr. Speaker in the Chair)

Mr. Speaker, I want to make some comments on the act itself. -(interjection)- I may be a little on the slower side today. I am not at my best today, but I would like to again continue on a very slow basis.

The Wildlife Amendment Act does have its good points. I think that over the past years, as the minister himself has made mention of, that over a period of time The Wildlife Act is a very important and very much used act, and it is always up for

amendments and different controls within the act. Mr. Speaker, I have to say that, on agreement with certain parts of the act where it states the Lieutenant-Governor-in-Council may designate Crown lands and lands other than Crown lands as animal control areas, I feel that is tremendously important, again, for everybody.

\* (1140)

Game bird refuges, also important. Manage hunting areas, Mr. Speaker, we in the Interlake of course have a tremendous resource in hunting. We know that hunting within the Interlake and other parts of Manitoba is an important source of economy to certain areas. We also understand though that managed hunting, controlled hunting, is also very, very important. We know that to be able to control the hunting for deer or for elk or for moose or whatever is important, that we have that resource available to us throughout each and every season, that it is available and we have to have control on that. We cannot allow people just to come in and hunt without any specific permits, without any specific issuance of licences and having control on this type of hunting.

I make mention also, as the minister did in his presentation, that in the Interlake when the Big Buck Hunt was proposed, within the Interlake, I, too, was asked to make comments on that and my concerns about it. I have great concerns about game hunting of that magnitude, of that concern.

Mr. Speaker, to be able to have and use financial gains for hunting, to me and to a lot of people within the Interlake and, of course, wildlife groups, does not deal with the issue properly. It does not give us an opportunity to be able to say, well, there has to be some control. I believe that this part of the act that this minister has put in is important. It gives us the opportunity to be able to control better and be able to say to people who want to use game hunting as a source of bringing in and making financial gains. To use deer, to use any game animal, I feel, is not the way that we can control wildlife management within the province of Manitoba.

The hunt itself that they were planning on in the Interlake did not go through because of the concerns and the lobbying of certain groups, as well as the government. In this we are talking \$20,000 as the figure—I mean, it could be \$50,000, it could be \$10,000, it could be \$1, but I do not feel we should be using money to have people come in when there

is controlled hunting, when hunters come in from all across the United States and different parts of Canada to hunt in controlled areas, that they should be coming to our province, and they should be coming to our province to hunt for money.

People come to Manitoba or to the Interlake or to wherever for hunting for the sport, and money should not be used to attract people to different areas to hunt, because then you do not have any control. How can you control it then? If a person knows that he has a \$20,000 prize for horns, he can go out and keep on hunting until he gets the buck that he feels is going to win him the \$20,000. It just does not make any sense.

We on this side do feel that there is good to that part of the act. It gives better control, but also we do not want to have the control on other game, say, derbies, fishing and such, where there is a control. It brings people in. I just feel that this part that the minister has put in is of good to the act in itself.

Mr. Speaker, on the part that the minister has put in for—and he makes comment here for the polar bears. The polar bears, although the polar bear has been on the protected list for a number of years, that is, we issue no permits for the hunting of the polar bear, the act does require that it be formally named in The Wildlife Act to provide that protection. On the polar bear side of it and the protection of the polar bear—I mean, we have a feeling here, as my honourable friend the member for Point Douglas (Mr. Hickes), who is from Churchill, knows, protection of polar bears for Churchill and for the area is a tremendous tourist attraction.

On the other hand too, as the member states, just across the way in the Northwest Territories there is open season for polar bears, and the protection of the polar bear could lead to improved tourism and gain for the people of Churchill. Also we have to consider the fact of the numbers growing too far and his concern, and I am sure concern from the people who are within the area of the polar bear population, that perhaps too great a number could create problems with food and accessibility to food where these polar bears in fact may become dangerous. My honourable friend from Point Douglas will probably in his own way speak on that, seeing he is more familiar with that area.

What interests me, too, Mr. Speaker—

**An Honourable Member:** What about the spadefoot toad?

**Mr. Cliff Evans:** I was just going to make comment on that. I would like to talk to the minister about the plains spadefoot toad. He does not go into anything about the plains spadefoot toad, and I think he even had to have help in pronouncing the Latin part of it. He has put it in there and, for whatever importance that it does have, I can appreciate that. I would like the minister perhaps to speak with me or help me out with the plains toad, but, Mr. Speaker, I think on other parts of the bill, of the act, I would like to make some comments on the trading in wild animals. The minister is adamant about the fact that he brought this amendment in: Subject to this act and the regulations, no person shall sell, buy, trade or barter a wild animal or the parts of a wild animal except under the authority of a licence or a permit.

Well, Mr. Speaker, this part of the act is important and why should people be out hunting wild animals and using the parts for their benefit, for their personal gains? It is a part of the act that does protect the wild animal and does protect our wildlife to be able to prevent this type of action and this type of going on within our wildlife management areas.

I also wonder, with this act, why—and I say why—and I would like to bring up these points that unless otherwise provided by this act, and on and on, the minister may make such regulations as the minister considers appropriate respecting the use, control and management of an area; authorizing, regulating or prohibiting any use, activity or thing in an area. I would like the minister, perhaps, to tell us if he has—to go into more detail as to what he means by thing in an area, authorizing the construction, operation and maintenance of any building, structure or thing in a wildlife management area.

\*(1150)

I wonder, Mr. Speaker. The minister in this amendment uses the word "thing." He has trouble in being specific about the spadefoot toad that he includes in his list of protected species; and now we see in this regulation, thing. What, to the minister, is a thing? What is a thing, Mr. Speaker? Does this thing say that it is control, absolute control? I can control a thing. What is a thing? I am going to control a thing, I am going to be able to issue a licence, I am going to be able to do this and do that for the thing. The thing over there and the thing over here, where is this thing?

What I want to say about the thing that this minister wants controlled is this thing is going to give

the minister absolute control of everything, and I would like to know what this thing is. It could be anything, but the minister wants control.

**An Honourable Member:** He is the best minister we know who can control things.

**Mr. Cliff Evans:** That is right, but he wants to control everything. He wants to have control of everything. He wants to say in this act, Mr. Speaker, that he wants to authorize. He wants to regulate. He wants to prohibit. He wants to control. He wants to manage. Is that type of control and management and regulation within the boundaries of his portfolio? How much control and what control does this minister want? How much?

**An Honourable Member:** Just as much as is stated in the bill.

**Mr. Cliff Evans:** Well, that is right, as much as is stated in the bill. By that amount of control, what is he going to control? -(interjection)- Yes, at the thing, the thing of being able to say in anything that I can control, I can regulate anything and everywhere within a wildlife area.

I just wonder how much control any one minister should have to be able to say that I will allow this, allow that, give permission for this or give permission for that, without any consultation. Does he not want any consultation with anybody? He wants to just say, well, if I want this or that to go on in any wildlife management area, I will allow it or I will not allow it. He will not say, well, is it good or is it bad?

**An Honourable Member:** Not the Highways minister.

**Mr. Cliff Evans:** Well, the Highways minister—

**An Honourable Member:** Just if a road goes through.

**Mr. Cliff Evans:** Well, the Highways minister makes comment on that, I guess there are—

**An Honourable Member:** He has sour grapes because his road was cancelled.

**Mr. Cliff Evans:** That is right, and also other roads that are again controlled. So I ask, what does this minister intend to do? What does he intend to do with this type of control?

Well, no, the Minister of Highways (Mr. Driedger) and members on the opposite side make light of the fact that we are using a certain word of this act, but I think that if the minister wants this type of control, he should stipulate. He is not stipulating. The two

sections prohibiting any use, activity or thing in an area, again, and I use that, because it amazes me that a minister of such renown, a minister of reputation, who wants to put in an act that he wants to control and regulate things -(interjection)- no, that is not just what is bothering me—

**An Honourable Member:** That is just one of the hangups.

**Mr. Cliff Evans:** That is right. It is one of the hangups that makes me wonder where the minister is going to stop. Where is the control? Is the minister going to be able, and is he willing, to go; and if he decides all of a sudden that he is going to allow this and allow that, construction of this or construction of that or hunting in here or hunting there, is this act going to allow him just to go ahead and do what he pleases? Is he going to have the decency to meet with groups, to talk with environmental groups, to discuss with hunting groups and such? I think, Mr. Speaker, that this part of the act hits us with the fact that this minister does not intend to meet with anybody on any specific project as such within the wildlife areas. Does he feel that this act is going to provide control for him, wherever he deems fit he is going to just go ahead and do what he pleases?

\* (1200)

He is going to have control like the king. He is going to be the king of natural resources, not the minister. He is going to be the king, king of natural resources -(interjection)- King Harry, yes. You know, Mr. Speaker, some kings are good and control their power, and some kings are not. I do feel, and I fear the fact that with this act and this minister, this minister is going to have the control and the type of control and use it to a point where no one in this province is going to have any input. No one in this province is going to be able to have any say as to what he can do.

**An Honourable Member:** It will be unlimited power.

**Mr. Cliff Evans:** As my colleagues have said, unlimited power. I guess some kings, some dictators have unlimited power. There is no opening here for anybody to be able to have any input if they want, if they do not want, if the minister wants or does not want. If the minister wants this, he will do it. If the minister does not want that, he will not do it.

I can, and we on this side do agree with certain aspects of this act. As I mentioned, Mr. Speaker, protection of wildlife in certain areas and protection of the beauty of our land, the animals, the game birds, are an important part of this province. What, and how, can this minister do with the type of control that he wants out of this amendment? How are we going to be able to know that the minister is going to act in the right way? Does it say here that the minister will consider environment groups, will listen to people when he wants to do something within an area? It does not say anything about that. It just says, I want to have control. I want to be able to allow anything to go on that I feel is right, not whether it is right for the area, not whether it is right for the people, not whether it is right for the wildlife or for the animals, but just I want to be able to have control.

Mr. Speaker, I will and do say that I do support and we here on this side do support certain amendments to this act. As he has stated, and as I mentioned yesterday when it comes to different acts that as time, as a new era comes along, there have to be changes, and I can agree with the minister on that. There have to be changes. We have to update ourselves to be able to protect this province and this part of the province that we feel fit.

I do again want and would like to know and we on this side would like to know, what type of power does this amendment give to the minister and what type of power and how is he going to use this power?

Mr. Speaker, I and we here on this side do just wonder, and we are worried that this minister can allow any type of construction that he sees fit, any type of building. He can operate it. He can have it operated any which way he deems fit. He can go ahead and put anything on it without talking to the environment people, without talking to the people within the areas.

Mr. Speaker, it makes we wonder, the minister then has such control over these wildlife management areas, such power, that if he feels he should allow wide-open hunting or a building somewhere right in the middle of a beautiful island, then we cannot on this side justify or feel that what the minister is asking for in this act be the right thing to do.

On closing, I would just like to say that, even though the minister does in parts of the act have amendments that are of value, that are of good for the wildlife and for the province of Manitoba, I want

to put it on record, Mr. Speaker, that we and myself on this side do fear the fact the control that this minister has with this act, with this amendment will be watched and followed very carefully. Let us hope that this minister does not decide that he is going to want more power—you know, everything. I just say that this minister's actions with this part of the act to me are not suitable, not allowable, and I again say that we will, on this side, watch this minister very carefully as to what he decides—what King Harry decides—he is going to do with wildlife management.

Thank you, Mr. Speaker.

**Mr. John Plohman (Dauphin):** -(interjection)- Mr. Speaker, I am pleased with my huge cheering section here this morning.

I want to ensure that I can speak—

**An Honourable Member:** It is afternoon.

**Mr. Plohman:** Oh, now it is afternoon, it has been pointed out. I really appreciate the applause, Mr. Speaker.

I want to speak on this important issue. I realize that my caucus members who are here understand the importance of this bill, as my colleague, the member for the Interlake (Mr. Clif Evans), so eloquently pointed out in his speech, the varying concerns that we might have with the powers that this minister is asking for himself in this bill.

The minister referred to himself in his speech on May 15 as this little minister, this little modest Mennonite minister, and he talked about somehow some members would be assuming that he is granting himself some kind of powers that are far beyond what in fact is happening here. We should obviously not be suspicious of this little minister, this little Mennonite minister. I think what he was trying to do is to lull us to sleep and allay any concerns or suspicions we might have, and yet I think the mere fact that he said that means that we should in fact be suspicious and question what this minister is doing. In fact, that is what I am going to do in my speech here today.

I think if the minister wanted to be completely straightforward with this House, he would call this bill the Oak Hammock Ducks Unlimited Facility Act, because when he gets into the bill, and the wording that he uses—and I cannot get into that because I am not supposed to refer to specific words and sections of the bill at second reading—certainly the wording is so specific in dealing with the facility over

at Oak Hammock that there is no doubt about what the major purpose of this bill is, and the minister does not deny it. He justifies it on the basis that previous ministers have allowed certain developments in wildlife management areas and they have passed regulations.

In fact, his department has now told him in matters such as this, such an important issue that has raised the interests, shall we call it, of many different groups and individuals in the province of Manitoba, that he would be on safer grounds to in fact have these changes, or these allowances, within the wildlife management areas incorporated into the act so they cannot be challenged in court to the same extent they could be as a regulation.

He went through in great detail, Mr. Speaker, in this speech, the minister, referencing previous New Democratic ministers, my colleague the member for Brandon East (Mr. Leonard Evans), and on a couple of occasions, the former member for St. James at that time, who was the minister of Natural Resources, and myself as minister. It was interesting that he made reference to four different occasions when amendments were made to the regulations, although he did make a number of mistakes in his speech. He once called them changes to the act and that is why this prompted me to ask questions about that later on after his speech, because in fact it was changes to regulations he was referring to, and he called them changes to the act.

He also had his dates wrong on numerous occasions throughout this speech that he made. He said that I made changes in November of '88. Of course he realized, after others in his caucus had pointed out to him, that I could not have made those changes in November of '88 because in fact his party was in government, although he was not the minister yet at that particular time. His colleague the member for Emerson, I believe, was the—he was not the member for Emerson at that time; he is now—minister. Then he changed it to January of '88. Then he said that I made the amendments to the regulations on January 1 of 1988, on New Year's Day.

Well, I know that there are a lot of dedicated politicians who put in a lot of effort and work on holidays and so on to ensure that all the work gets done, but it is certainly not something that I would have been doing on January 1, 1988.

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

Then he said, well, no, I made a mistake. It is the 30th of January. Now, I have to wonder whether No. 1 and No. 30 look a lot alike.

The reason I raise these with the minister is, I wonder just what he was trying to demonstrate with that statement, because those dates threw his whole argument out the window in terms of what he was trying to say—those mistakes in the dates—in terms of making his case that somehow an application that was made to the department by Home Oil for a drilling permit in a wildlife management area, I believe it was Pierson Wildlife Management Area, prompted a regulatory change by the minister.

\* (1210)

I, as the minister at that time, can recall no connection between the two. As a matter of fact, I do not even recall the letter of application, because it went to the department. It did not go to the minister. The minister never saw it, although the minister did say, in his speech on the 15th of May, this minister, that the letter came to the minister in the minister's office. Then he said, well, to be completely accurate, to the department. I was glad he added that as he went along, because in fact it did just go to the department. It did not go to the ministers, and it does not. Those kinds of things do not go to the minister on a routine basis, so this was correspondence with the department that Home Oil had made.

I raise these points because there were a lot of inaccuracies in the minister's speech, and I think that that raises some doubts as to whether we should in fact be putting this tremendous responsibility that the minister is asking for in this bill, in his hands. To make those kinds of decisions when he has his dates wrong, he has his years wrong and he has regulations versus acts wrong, now should we trust this minister with these extremely burdening decisions that he would have to make with regard to developments and variations from what wildlife management areas were designated for in the first place and, in some cases, substantial variations from what they were designated for?

In the case of Oak Hammock development, which the minister is very much a proponent of, is that something that should be allowed, or should in fact

there be public hearings of some kind before those kinds of developments are taking place? Should there be—

**An Honourable Member:** There have been. Where have you been?

**Mr. Plohman:** No, but should this be in the act? The minister says, yes, there should be, but this minister—

**An Honourable Member:** It is in the act.

**Mr. Plohman:** It is not in this act.

**An Honourable Member:** It is in The Environment Act.

**Mr. Plohman:** That is right, but there is no reference to it as to which one takes precedent in this particular case. This simply says—(interjection)—well, the minister is saying it has gone through the hearings, but the fact is, the next one has not gone through the hearings.

We cannot only look at this development. We have to look at other major developments that this minister is enabling him, through this legislative change, to make decisions on with no reference to the environmental act whatsoever in here. It just simply says the minister may authorize many different activities in the act, and it makes no reference to the environmental concerns or other considerations. Perhaps this power should have been placed in the hands of the board or referred to The Environment Act to determine whether in fact these activities should be allowed or not, if there are certain major activities.

I do want to question as well the department during the time that we were in government. This may raise some questions from the members opposite, but I found that, as the minister did, when he said, I do not know—and, again, I am not making any suggestions—why the minister felt the need to pass an additional regulation. He hit upon an issue that came to my mind as I went through the minister's speech dealing with this particular matter when he talked about the various amendments that the ministers had brought forward into the regulations during the period of 1982 to 1988.

If you read those amendments, they are almost identical in wording in each and every case: The minister may grant, subject to such terms and conditions as he may prescribe, a permit to undertake certain activities, things, across, within or into, any wildlife management act.

**An Honourable Member:** That is things.

**Mr. Plohman:** Yes, well, there is the historical reference for the member for the Interlake (Mr. Clif Evans) as to why this minister has referred to things, because it has been used in the past. Perhaps his own department staff do not realize why they use things, but it is still the word that is used.

Then there was another one apparently soon after, the year was not given by Mr. Mackling, December 17, not the year given, where a similar amendment was passed. Then in 19—(interjection)—yes, the one on December 17, it says: Notwithstanding anything contained in this regulation, the minister may grant, subject to such terms and conditions as he may prescribe, a permit to undertake certain activities across, within or into, a wildlife management area. That was clearly covered by the previous regulation.

Then we go on to the one that I was alleged to have brought forward in January of 1988, and it says: Notwithstanding anything contained in this regulation, the minister may grant, subject to such terms and conditions as the minister may prescribe, a permit to undertake certain activities across, within or into, any wildlife management area. So, in all cases, the terminology used was identical, except in one case it was even more broad, because it talked about things as well as activities.

It seems to me that we had a regulation in 1982 that allowed for as much and as broad as what this minister is doing by way of an act, and that was the point he was making. Yet the department found it necessary to bring forward, on three or four occasions later, to the minister to bring to cabinet changes in the regulation which gave them the power which they already had. I think the minister could well do as to ask why the department would have been generating amendments to regulations that were already in place.

It seems to me that what I would question now, in retrospect, is: Really, what did the department know? Had they been reading the regulations, or did they just read the act and see it was not in there, so they immediately prepared another one? Certainly, they have more to do than that, and it does raise some serious legitimate questions about why they were bringing forward for the minister's passage, a regulation that had already been passed on numerous occasions in the past. It makes one wonder.

Now, Madam Deputy Speaker, as I said earlier, I believe that this act could have been more—if the minister really wanted to be up-front with this Legislature, to deal with the issue at hand because of the specific wording in that act, he should have called this the Oak Hammock Ducks Unlimited Facility Act. He would have been able to say that he was completely aboveboard in his intentions and purposes for bringing forward this amendment. The minister also included a couple of other amendments in this act and, of course, at the same time, he could throw in this one dealing with the wildlife management areas quite nicely. What he did, he brought in some dealing with the trading, selling and exporting, in fact, of wild animal parts.

I certainly do support the fact that a permit is required. Again, the minister was not as forthcoming as he could have been when the question was asked by myself after his speech. I appreciated the opportunity to ask him a couple of questions. I said, he referenced prohibition, outright prohibition. He used that word, and I said, well, does that mean that the minister is going to prohibit these activities? He simply said, well—he backtracked a bit—the regulation gives us, or this amendment gives us the power to, in fact, prohibit if some kind of activity is undesirable.

He did not say it was undesirable, so we still do not know yet what the minister's position is with regard to the trading and sale of wild animal parts. I found that of interest because I do think it is an important one, as well as the big game hunting and the huge prizes that are being offered in that activity in the province. The minister mentioned some \$20,000 for a prize. Of course, with that kind of money at stake, it could lead to abuse of hunting privileges in order to obtain the winning trophy for this particular competition. So the minister has some work to do there in putting a cap on the size of prize perhaps, or maybe even eliminating money prizes completely from it. I do not know what he is thinking about there. The minister has some work there.

On the issue of the sale of parts, certainly there is some question as to what is referenced here. It could mean the antlers that are used for sale—

**An Honourable Member:** What organ do you want?

**Mr. Plohman:** Well, the gall bladder for the bears. Now I understand that the gall bladder has been sold

illegally. It is in high demand in many eastern countries of the world for medicinal purposes, as well as, of course, the antlers from elk.

\* (1220)

**Hon. James Downey (Minister of Northern Affairs):** What does that do? What do the antlers from elk do?

**Mr. Plohman:** Now I am not sure, aphrodisiacs, I guess. I think the Minister of Northern Affairs (Mr. Downey) wants to have a crash course on what this would do for him, and I do not want to get into that at this particular time. I think I will leave that up to him to discuss and to research on his own, Madam Deputy Speaker, do you not think?

What I would like to deal with then is this issue of slaying animals for the purposes of gaining one part in many cases and selling it to other parts of the world at huge profit. That is an extremely objectionable type of practice. It has occurred not only in Manitoba but to a larger degree in other provinces, and I would reference back to Ontario particularly, years ago for certain. I do not know whether they have taken steps in recent times. The minister says that this has been the subject of a discussion at the wildlife ministers' conference recently. Hopefully, at the national level, there is a concerted effort now being made to limit this practice.

I would hope that there has been some inroads made to curtail the practice. However, at the time that Mike Bessey was involved in a documentary and in providing some enlightenment on this issue, having had some background in this area through research and so on, I do not recall that he recommended or suggested at that time. This is what I find surprising, and as I was the minister and watched that program that there was a need to tighten up laws in Manitoba, I find that rather surprising that he did not do that at that time.

The minister now says there was absolutely no restriction to this practice in Manitoba. In other words, it was not illegal unless the hunting was done illegally. So the minister is saying now, the killing of the bear without a licence was illegal; but the taking of the part was not illegal and selling it. So now they would not only need a licence for hunting the bear or the other animals that are involved, but they would also need a licence to actually take that part and sell it.

So that just adds another step to the process, and it could provide another safeguard or another way that the department and the game wardens and so on, the conservation officers, would be able to police this, along with the RCMP, and provide the greater options for the government in curtailing this practice. However, of course, we have to see what kind of penalties would be involved. The penalties in terms of dollars are not usually put into the act, so the minister would have to develop regulations dealing with penalties.

Again the minister has not provided information to the House as to what kind of penalty he is looking at. Is it a rather substantial penalty in terms of fines or jail or something that would reflect the seriousness of this offence? I hope that the minister would bring forward a penalty section regulations that would be very tough and would reflect the objectionable nature of this kind of activity, and the one that we do not want, and the message being said that we do not want it in this province. So I think the minister there again would be well advised to consider that issue very carefully.

I want to, in the few moments I have left here today, Madam Deputy Speaker, also touch on the issue of big game hunting and prizes that are being awarded. I guess what is often happening, people have the idea that they could get into a lucrative business by bringing in foreigners to the country to engage in big game hunting similar to safaris that happen and take place in Africa. I think these safaris have in the past resulted in the near extinction of species, particularly the elephant in Africa, and also they are for the taking of the tusks, the ivory, which is actually a parallel to the slaying of animals for parts that we see here in Canada with the gall bladder, horns and so on, being taken, being very valued in some areas of the world and being sold at a huge profit by individuals.

We saw that kind of activity where these majestic animals, the elephants, other majestic animals and very rare animals in Africa, were being slaughtered simply for the purpose of taking the tusk, the ivory, and selling it on a black market. That kind of activity has been, I believe, curtailed somewhat through stiff laws but not completely. There still is a real danger that we may see the extinction of some of these majestic animals and certain species.

Again, we do not want to see that happen in this province, and so there is the need for stiff penalties, but if we look at the kind of prizes that are being

offered and the activity itself, we have to really question whether big game hunting on a safari-type basis is something that we want to get into this province.

Now, I know that the issue of bear hunting has become one that has provided a great deal of economic activity to the province of Manitoba. As a matter of fact, there are designated bear hunting areas now in many areas of the province. It started in the Duck Mountain areas, moved through other areas of the Parkland and into the Interlake area. This may be taking place as well in the Eastman area now. The minister would know. The concern is that this is done on a sustainable basis, and that there is adequate enforcement and policing mechanisms available to the department to ensure that, in fact, we do not see a depletion of the species, the many valued species, in the province and ultimately the extinction. So it has to be done on a sustainable basis.

Again, I would urge the minister to ensure that while at the same time he is putting in place the powers within Bill 38 to limit the kind of prize, for example, that may be offered in activities involving big game, that he would also ensure that he has the adequate staffing, because his department is being cut back severely in many areas. I would hope that this is not going to be the next area.

As a matter of fact, we may see as we go through the Estimates in Natural Resources that in fact there has been cuts in conservation officers, too. That is a serious concern, I think, for—it should be—all the rural members of the government caucus, the ministers and urban ones as well. It certainly is for our caucus, and I would hope that the minister is able -(interjection)- well, I would hope that the minister would be able to resist the onslaught of the urge to cut that colleagues of his, such as the Minister of Northern Affairs (Mr. Downey), might in

fact be pushing on him. The Minister of Natural Resources (Mr. Enns) knows that in order to protect the wildlife in this province from predators—and I mean human predators—that, in fact, what he has to do is have adequate enforcement.

Education is important, but adequate enforcement is important. He cannot just do it by an act of the Legislature, say we are going to limit certain awards or prizes that might be given out for contests or derbies where this is taking place. He has to, in fact, ensure that he can follow up with adequate enforcement, and he has not made any mention of that when he spoke on this act.

I think it is important that we emphasize that point for the minister in this Legislature while we speak about wildlife management areas, because wildlife management areas are put in place in the first place to protect the wildlife of our province and to manage them. -(interjection)-

Well, the minister says “manage.” Manage also indicates protection. There is an aspect of management that obviously involves protection and, of course, this is being done now to a greater and greater degree in conjunction with Native groups and in joint management of wildlife. There are a number of projects where this has been very successful. There are others where it has been less successful, and there have to be changes made, so the minister will be—

**Madam Deputy Speaker:** Order, please. When this matter is next before the House, the honourable member for Dauphin (Mr. Plohman) will have 15 minutes remaining. This bill, as previously agreed, will also remain standing in the name of the honourable member for Swan River (Ms. Wowchuk).

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

# Legislative Assembly of Manitoba

Friday, May 24, 1991

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