



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

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**DEBATES  
and  
PROCEEDINGS  
(HANSARD)**

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40 Elizabeth II

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*Published under the  
authority of  
The Honourable Denis C. Rocan  
Speaker*



**VOL. XL No. 82 - 1:30 p.m., WEDNESDAY, JULY 10, 1991**



**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**

**Wednesday, July 10, 1991**

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

**PRAYERS**

**ROUTINE PROCEEDINGS  
PRESENTING PETITIONS**

**Mr. Doug Martindale (Burrows):** Mr. Speaker, I beg to present the petition of Heather J. Webster, Ken McLean, Douglas Potter and numerous others requesting withdrawal of funding and the prevention of construction of The Rotary Pines project and to prevent projects similar in nature from destroying the community.

**READING AND RECEIVING PETITIONS**

**Mr. Speaker:** To the honourable member for Transcona (Mr. Reid), I have reviewed the petition of the honourable member, and it complies with the privileges and practices of the House and complies with the rules. Is it the will of the House to have the petition read?

**Mr. Clerk (William Remnant):** To the Legislature of the Province of Manitoba

The petition of the undersigned citizens, of the province of Manitoba, humbly sheweth:

THAT the Winnipeg International Airport is vital to the economic health of the city of Winnipeg, and the project known as "The Pines," in its current location, will jeopardize the future of Winnipeg International Airport.

THAT to risk the jobs of the hundreds of people who are employed at the airport is not in the best interests of the community.

THAT "The Pines" project will inhibit riverbank access to the general public.

THAT the strip mall portion of "The Pines" project will give a foothold to commercial development which is incompatible with the residential nature of the neighbourhood.

WHEREFORE your petitioners humbly pray that the Legislature of the Province of Manitoba may be pleased to respect the wishes of the neighbourhood by requesting the provincial government to withdraw provincial funding of "The Pines" project.

AND as in duty bound your petitioners will ever pray.

\* (1335)

**PRESENTING REPORTS BY  
STANDING AND SPECIAL COMMITTEES**

**Mrs. Louise Dacquay (Chairman of the Standing Committee on Municipal Affairs):** Mr. Speaker, I beg to present the First Report of the Committee on Municipal Affairs.

**Mr. Clerk (William Remnant):** Your Standing Committee on Municipal Affairs presents the following as its First Report.

Your committee met on Tuesday, July 9, 1991, at 10 a.m. in Room 255 of the Legislative Assembly to consider Bills referred.

Your committee heard representation on Bills as follows:

Bill 18—The Municipal Amendment Act; Loi modifiant la Loi sur les municipalités

Mayor Rick Borotsik - City of Brandon

Noel Pritchard - R.M. of Victoria Beach

Bill 19—The Local Authorities Election Amendment Act; Loi modifiant la Loi sur l'élection des autorités locales

Mayor Rick Borotsik - City of Brandon

Ms. Rochelle Zimberg - Manitoba Association of Urban Municipalities

Your committee has considered:

Bill 18—The Municipal Amendment Act; Loi modifiant la Loi sur les municipalités;

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

**MOTION:**

THAT Section 4 of the Bill be amended by striking out clause (b), renumbering clause (c) as clause (d), and adding the following after clause (a):

(b) by repealing clause (d) and substituting the following:

(d) a treasurer, clerk or other paid officer of a municipality who is appointed by a by-law of the municipality;

(c) by repealing clause (e); and

**MOTION:**

THAT the proposed subsection 53(1), as set out in section 7 of the Bill, be amended by adding "with the returning officer" after "shall be filed".

**MOTION:**

THAT the proposed subsection 55(1), as set out in section 8 of the Bill, be struck out and the following substituted:

**When nominations to be received**

**55(1)** The returning officer shall receive nominations in the seven days before the first Wednesday in October during the regular business hours of the municipality on the days the offices of the municipality are normally open.

**MOTION:**

THAT subsection 11(2) of the Bill be amended by renumbering clause (b) as clause (c), and by adding the following as clause (b):

(b) by striking out "subsection (1)" and substituting "subsection 109(2)".

**MOTION:**

THAT the proposed subsection 115(1), as set out in section 13 of the Bill, be amended by striking out "in the week before the first Tuesday of November" and substituting "within 21 days after the fourth Wednesday in October".

**MOTION:**

THAT the proposed section 122.1, as set out in section 14 of the Bill, be amended by striking out "After the day of an election of a new council or, where all members of a council are elected by acclamation, after the day the candidates are declared elected", and substituting "After the fourth Wednesday in October in the year of an election,".

**MOTION:**

THAT the Bill be amended by adding the following after section 18 of the Bill:

Clause 306(3)(a) amended 18.1

Clause 306(3)(a) is amended by striking out "subsection (2)" and substituting "subsection (1)".

**MOTION:**

THAT section 28 of the Bill amending clause 713(3)(d) be amended by striking out "\$150.00" and substituting "an amount prescribed by the Lieutenant-Governor in Council by regulation".

**MOTION:**

THAT section 30 of the Bill be amended by striking out "\$100" and substituting "an amount prescribed by the Lieutenant-Governor in Council by regulation".

**MOTION:**

THAT proposed section 35 of the Bill be amended:

(a) by striking out "subsection (2)" in subsection (1) and substituting "subsections (2) and (3)";

(b) by striking out "Sections 29 and 34" in subsection (2) and substituting "Sections 28 to 30 and 34"; and

(c) by adding the following after subsection (2):

**Section 18.1 retroactive**

**35(3)** Section 18.1 is retroactive and is deemed to have come into force on October 19, 1988.

**MOTION:**

THAT Legislative Counsel be authorized to change all section numbers and internal references necessary to carry out the amendments adopted by this committee.

Your Committee has also considered:

Bill 19—The Local Authorities Election Amendment Act; Loi modifiant la Loi sur l'élection des autorités locales;

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

**MOTION:**

THAT the proposed subsection 56.1(1), as set out in section 8 of the Bill, be amended by adding "or a moving poll" after "a special poll".

**MOTION:**

THAT the proposed subsection 56.3(1), as set out in section 8 of the Bill, be amended by striking out "that has fewer than 50 beds".

All of which is respectfully submitted.

**Mrs. Dacquay:** I move, seconded by the honourable member for La Verendrye (Mr. Sveinson), that the report of the committee be received.

**Motion agreed to.**

\* \* \*

**Mrs. Louise Dacquay (Chairman of Committees):** The Committee of Supply has adopted a certain resolution, directs me to report the same and asks leave to sit again.

I move, seconded by the honourable member for Fort Garry (Mrs. Vodrey), that the report of the committee be received.

**Motion agreed to.**

## ORAL QUESTION PERIOD

### St. Lazare Train Derailment Inquiry

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, of course Manitobans are aware of the rail derailment at St. Lazare, Manitoba, a rail derailment that has toxic chemicals involved that potentially threatens our air, our ground, our water in the province of Manitoba.

Mr. Speaker, I think all of us in Manitoba have been concerned about this issue for a number of years, because we see two trends in our society that really, I think, put us potentially at risk. We see the increase in toxic chemicals being transported on our railway system—very dangerous chemicals I might add—and at the same time, as we have been stating, every railway worker in the province, CP or CN, have been telling us that the safety of our rail line transportation system is decreasing day by day and month by month. Inspections are down, workers are down, repairs are down, and they have felt for a long time that this puts us all at risk in the many Manitoba communities that are affected by direct rail line transportation.

Mr. Speaker, my question, therefore, is to the Premier (Mr. Filmon). In light of the very serious potential chemical toxic material involved in this latest derailment, and in light of the very serious concerns we have had raised by employees—in fact, our critic, the transportation critic, the member for Transcona (Mr. Reid) asked the Minister of Highways and Transportation (Mr. Driedger) on November 21, how we will deal with defective rail cars which are being allowed to be carried through our province from one service point to another.

Will the Premier call an inquiry under 39(1) of The Dangerous Goods Handling and Transportation Act so that the concerns of railway workers and the concerns of all citizens can be taken into account with this latest potential disaster in our province?

\* (1340)

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, certainly the member is correct in characterizing this as being a potentially hazardous

and dangerous situation, but I think we should take the opportunity to reassure everyone that the responsible departments within government, both provincially and federally, the EMO organization and all of the local organizations, both voluntary and RCMP, have responded and fortunately, we have only had reference to some injuries that, as far as we are aware of at this point, are not of a major nature. The danger to the environment, we believe we have brought that into perspective. We are very carefully monitoring the situation.

The discharge the member is referring to, that we are the most concerned about is potential discharge to water, and we believe that is going to be contained, that it is a potential discharge into a ground aquifer that could lead to the river, rather than flowing into it. It is not a direct spill. Those areas are being very carefully monitored, Mr. Speaker.

In reference to the member's concern about whether or not there will be inquiries into this accident, of course, there will be.

**Mr. Doer:** Mr. Speaker, well, we have seen before with very dangerous situations that there is a fundamental difference between internal inquiries or investigations and industrial inquiries under the section of the act that has been set there by this Legislature to deal with dangerous goods and handling.

The minister talks about responding, and hopefully, all the responses are in order, but what we were asking for on November 21 and what we were asking for in other questions in this House was preventing an accident from happening. We were asking the government to listen to the very many railway workers in CP and CN who were telling us that the safety standards have been decreasing and decreasing across our province, and that one defective car, as the member for Transcona (Mr. Reid) said before, was too many.

The question is: Why will the government not have an inquiry under The Dangerous Goods Handling and Transportation Act, where the rules of evidence can be used so that people can come forward, and we can prevent potential disasters in the future, as well as responding if they unfortunately ever happen again?

**Mr. Cummings:** Mr. Speaker, the member chooses to ignore my answer when I said that, of course, we will be conducting inquiries. Very

obviously, through federal transportation regulations, there will be an inquiry.

The member wants to talk about defective equipment. The cause of this derailment is not yet known. One should not jump to conclusions, but one should not ignore any potential reasons for a disaster of this nature occurring.

I want to assure him and assure you, Mr. Speaker, that we will take every measure within our means to make sure that we get to the bottom of what caused this and make sure if there is a way it can be prevented in the future, we are able to deal with it.

**Mr. Doer:** Mr. Speaker, we had a similar situation two years ago with the Solvit explosion where we called on a full public inquiry under 39(1), and we did not get it. We got internal investigations that have been—I am not going into the past and the history of that, but they have not produced sound policies for the future.

Mr. Speaker, we have asked these questions before. I do not know what the causes are. The minister says he does not know what the causes are, but six or seven months ago, we were asking the government to look at the issue of rail line safety in Manitoba. Notwithstanding what the causes are today, we are still concerned with the information we are receiving from the line railway workers across this province about the decreased safety standards in our province.

Surely the Minister of Environment would be willing to incorporate a full and proper inquiry, so that views can be put forward in a public way and so the public will know what we are dealing with, rather than an internal investigation and inquiries. It is absolutely in the public interest to get a handle on the toxic materials we have and the potential risk and safety of our rail line workers in our community.

I would ask the minister whether he will have the inquiry pursuant to 39(1) of his own act, The Dangerous Goods Handling and Transportation Act.

**Mr. Cummings:** Mr. Speaker, as I said already, there is no doubt that there will be an inquiry. Whether there are multiple inquiries or whether there is an inquiry is yet to be decided.

I think the member is trying to draw a pretty long bow when he just casually mentions the Solvit fire. The relationship between that and the transportation of dangerous goods is simply not recognized in my opinion as being relevant to this issue.

Mr. Speaker, we are talking about the safety of the transportation of the material, the safety of the people who are exposed to any potential problems associated with that and certainly, ultimately in this particular case, whether or not we have correctly and whether or not the railways have correctly responded to the situation that arises. We will find out those facts, and we will deal with the issues.

### **Hazardous Goods Transportation Safety Standards**

**Mr. Daryl Reid (Transcona):** Mr. Speaker, yesterday, 400 residents of St. Lazare were forced to evacuate their homes due to a CN Rail train derailment which involved the spillage of hazardous chemicals, some of which have affected the health of the residents.

Last November 21, I asked the Minister of Highways and Transportation (Mr. Driedger) what safety procedures his department had in place to deal with disasters like MacGregor, Mississauga and now St. Lazare. He took the question as notice and has yet to report back to the House.

My question is for the Minister of Highways and Transportation. I ask the minister once again what plans and procedures are in place to protect the lives and health of the residents of Manitoba involved in hazardous goods transportation accidents?

\*(1345)

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, we have said continuously in this House that we have been working to bring together all of the various relevant departments who are dealing with these types of materials to make sure that there is, in fact, an overlap and no gap between regulatory responsibilities, whether it is in transportation, whether it is in storage, whether it is in labelling, and certainly all of the rules and regulations that we need to apply under Workplace Safety and Health.

The member is again asking if there will be an inquiry, and I am saying, of course, there will be an inquiry.

### **Rail Line Equipment Safety Inspections**

**Mr. Daryl Reid (Transcona):** Mr. Speaker, on November 21, I also questioned the Minister of Highways and Transportation (Mr. Driedger) on defective rail cars and decreasing safety

inspections of rail equipment. He took that question as notice as well.

I again ask the minister, what efforts are being made to increase safety inspections on rail equipment in yards and elsewhere since cabooses and crews that once performed these safety functions have been eliminated?

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, again, there are assumptions being made, and at times like this, I do not think it is helpful to either the public or to the responsible authorities that assumptions be made until we have started to gather the information and the data that is relevant to the situation.

He refers to the safety of the transportation of these materials. He refers to the safety measures that are in place, and I can assure you that we will make our position very clear with Transport Canada when an inquiry is held into the cause and the handling of this occurrence.

#### **Dept. of Highways and Transportation Safety Inspectors**

**Mr. Daryl Reid (Transcona):** Mr. Speaker, there is a large human impact that comes into play when we have disasters of this magnitude, and their impact on the community involved should not be underestimated.

My final supplementary is to the Minister of Highways and Transportation. Since deregulation calls for an increase in the number of safety inspectors in the transportation department, what increases have there been in the number of safety inspectors, and where have they been assigned to for the inspection of transportation equipment?

**Hon. Albert Driedger (Minister of Highways and Transportation):** Mr. Speaker, that is a very technical question. I do not have the immediate information here at hand.

However, I want to indicate that we have a full complement of inspectors who are ongoing with the inspection program that we have, including the National Safety program, and we are complying with the regulations and the Memorandum of Understanding that was outlined and signed by the previous administration. We think that we are doing a capable job in terms of making sure that safety regulations are met.

#### **St. Lazare Train Derailment Minister's Statement**

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Mr. Speaker, when 400 people are evacuated from a community, it is obviously of concern to all Manitobans as to the safety of our rail transportation. It is also important for us to know just what is the status of the situation at this particular point in time. I had thought that the minister would avail himself of a ministerial statement in order to give us the most up-to-date information.

Since he has not done that through a ministerial statement, will he now accept it as a question and give us an evaluation of just what the status of St. Lazare is as of now?

\* (1350)

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, I would like to indicate that I consider that a constructive question.

Mr. Speaker, the situation as we have been briefed indicates that there has been an effective and complete evacuation of the town site, that EMO and local authorities, the RCMP, volunteer fire departments in the area, all worked very effectively to accomplish that, but obviously, further to that and dealing with the response to this bill itself, I am told that there is now regulatory authorities and personnel dealing with equipment that probably totals up to some 90 people at the site today.

The fact is that Manitoba Environment, the Fire Commissioner's office, Workplace Safety and Health, emergency health services, Highways and Transport, both Manitoba and Canada, and a number of other organizations responded immediately upon the notification of the accident. Personnel were flown out last night with equipment as soon as arrangements could be made.

In terms of assessing the situation and dealing with the problem as it is today, Mr. Speaker, there are two cars that are known to have been leaking. Those cars contain acetic anhydride and that is the reason why we are carefully monitoring the river. There is on-site monitoring for the pH level which would give us any indication, if there was any possible change in that reading, whether or not there had been some contamination.

Nevertheless, a ban of the use of the water from the Assiniboine River was issued to make sure that there was no potential for any harm to come from

that, Mr. Speaker. Today, we have further equipment, and I would also indicate that the Department of Environment is sending out its mobile air monitor so that we can go beyond just making a judgment about whether or not there are odours in the air that could potentially be harmful. That will be on site today, and we will make completely accurate readings before we allow anyone to return to the town site.

I should add, Mr. Speaker, that prior to returning of the town site, the transloading of a number of these cars to remove the material from the cars that are derailed and have not spilled will take some time. I would caution anyone who is concerned about whether or not the town can be repopulated in short order, that we would ask everyone to co-operate in giving lots of time for the cleanup so that there is no potential for harm to anyone.

### Environmental Concerns

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Mr. Speaker, my supplementary question is to the minister.

It was reported earlier today on CJOB that water had indeed seeped in to the Assiniboine River. Can the minister tell us if that has, in fact, been verified, or are the decisions that are being made now to tell people not to drink any water coming from that river merely precautionary?

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, I perhaps was not clear enough a moment ago. We have no evidence, at this point, of any contamination of the river, none that has been transferred to me. The precautionary move was made because the potential was there. As of within the last hour and a half, it was still my understanding there had been no evidence of contamination of that river.

We will be confirming absolutely what the situation is, and then the responsible authorities will be issuing a further directive about the water.

### Federal Inquiry

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Mr. Speaker, my final supplementary to the minister is: In that there will be presumably a federal transportation inquiry, will the provincial government also be a full participant in that inquiry, or will we be simply witnesses to that inquiry?

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, I think the answer is a very resounding yes, that we want to actively be involved not only as a single entity, but all of the responsible authorities be involved to deal with the issues that may relate to any aspect of this accident.

### Health Care System Summer Bed Closures

**Ms. Judy Wasylycia-Leis (St. Johns):** Mr. Speaker, the Minister of Health has said in this House and in Estimates as recently as yesterday that any bed closures occurring today are only summer bed closures, part of the traditional slowdown over the summer. When the member for Flin Flon (Mr. Storie) asked on June 24 about the closure of 60 beds at the Health Sciences Centre, the minister accused him of falsely misleading the people of Manitoba into believing this is a new phenomenon.

Mr. Speaker, it is the Minister of Health who is falsely misleading the people of Manitoba. We now have the documentation showing 70 beds, not 60 beds, have been closed at the Health Sciences Centre and will remain closed until at least March 31, 1992.

Given, Mr. Speaker, that it is the Minister of Health who is responsible for these lost beds, that it is the government's policy forcing these bed closures, will the minister now lift his financial directive which has forced urban hospitals like the Health Sciences Centre to cut millions from their budgets and put the needs of patients at risk?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, my honourable friend went into this issue yesterday. Summer bed closures have been a part of the management of many, I will not say all, but many of our hospitals, particularly the major hospitals in the cities of Brandon and Winnipeg and will, I would suspect, continue to do so because during the summer months, there tends to be a lessened demand on the system because of holiday scheduling.

Yesterday, when my honourable friend asked me the question, I answered to her that I had not been informed; nor had the commission, and my commission staff were there, my associate deputy minister.

Mr. Speaker, my answer today is the same as my answer yesterday, and indeed at the opening of the newly renovated Health Action Centre where the

Province of Manitoba invested some \$600,000 in a community health clinic, Mr. Jim Rodger was there, and Mr. Jim Rodger gave no indication of any impending disasters, as my honourable friend would like to have us believe is happening.

So, Mr. Speaker, my answer remains the same as it did yesterday.

\* (1355)

**Ms. Wasylycia-Lels:** Mr. Speaker, I am not suggesting that the minister is deliberately misleading this House or the people of Manitoba.

I am asking him if he will review the documentation that we have, a memo dated June 12 from the director of Personnel Services at the Health Sciences Centre indicating 70 beds being closed on a long-term basis, if, given that situation and given the minister's commitment yesterday, that was to be the case, to do something about that situation, to put those bed closures on hold until the Urban Hospital Council has reported and a co-ordinated plan taking into account the needs of patients is presented to the people and dealt with.

**Mr. Orchard:** Mr. Speaker, I am finally glad that my honourable friend now maybe was more complete and factual with her second question than with her first question, because should one have listened only to my honourable friend's first question, one would have concluded that a decision had been made, et cetera.

As I indicated to my honourable friend yesterday, no decision has been made because no program, no request, has been made of the commission as of yesterday and indeed today. Mr. Rodger was there and no such indication was given.

My honourable friend may well have a document, thousands of which circulate throughout the hospital with varying suggestions that are part of a planning process, but until decisions are made and permission given and requests made to the commission, my answer stands. My honourable friend is again dealing in what ifs, maybes, possibilities and hypothetical situations.

Mr. Speaker, I cannot plan around hypotheses that my honourable friends might from time to time bring to this House.

**Ms. Wasylycia-Lels:** Mr. Speaker, this document says that beds will be closed, 70 beds in rehabilitation, in children's care, in women's surgery, in geriatric care. -(interjection)- I do not know, maybe the minister does not know what is

going on in our hospitals, does not know what is going on in his own department.

I would like to ask the minister, since he cannot refute this evidence and this documentation, will this minister put the needs of patients ahead of health care cutbacks and stop the bed closures, the nurse layoffs and the growing waiting list facing the patients of Manitoba?

**Mr. Orchard:** Mr. Speaker, there may well be a number of summer bed closures at the Health Sciences Centre. That may well also be the case at St. Boniface and any number of other hospitals throughout the province.

Mr. Speaker, even when my honourable friend sat around the Treasury bench and was a cabinet minister, those summer bed closures took place—

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

#### Point of Order

**Ms. Wasylycia-Lels:** Mr. Speaker, the minister may be from Miami, but I do not know when September through to March, including January, was summer.

**Mr. Speaker:** Order, please. The honourable member does not have a point of order.

\* \* \*

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

**Mr. Orchard:** Mr. Speaker, my honourable friend may be from fantasyland, too.

My honourable friend offers the caution back to the patients. That is exactly why we invested \$600,000 in the Health Action Centre, to provide care to core area residents, a request that was indicated to all those—and my honourable friend was there with another one of her colleagues. That request was before government for 10 years, seven of which my honourable friend represented the area and did nothing. Mr. Speaker, we invested that \$600,000 for improved patient care, and that is the goal of this government.

Mr. Speaker, when we spend \$1.75 billion, our goals will be—and they will be achieved to improve the health status of Manitobans by making the kind of prudent investments that my honourable friends in the NDP talked about and did not do.

\* (1400)

### Oakville, Manitoba Hog Producer Licensing

**Ms. Marianne Cerilli (Radisson):** Mr. Speaker, the Minister of Natural Resources is once again trying to find a way of maneuvering around the law to allow for a project to meet his political needs. Again, he does this—

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

#### Point of Order

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, I would ask you to refer to the rule book to determine the propriety of that statement. That statement by the member for Radisson would be translated, by me at least, to mean that the minister is deliberately breaking the law. I would ask the member to withdraw the question fully and liberally.

**Mr. Steve Ashton (Opposition House Leader):** Mr. Speaker, I think if the minister had been listening, the member specifically said maneuvering around the law, which I do not believe is unparliamentary and I also believe is accurate given the attempts of the minister to go around the law. I think any objective observer would say that was an accurate statement, and it is not even unparliamentary.

**Mr. Speaker:** On the point of order raised, I would remind the honourable member for Radisson (Ms. Cerilli) that she is perilously close to making a personal charge against a member of this Chamber, and I would caution the honourable member to pick and choose her words very carefully.

\* \* \*

**Ms. Cerilli:** Mr. Speaker, the environmental concerns related to this issue are important, and I would encourage the minister to give them his full attention. Also, the decision that the minister is making with respect to this issue is jeopardizing the drinking water of his own constituents. The minister knows well that I am referring to the issuing of a water licence for the Norquay Colony hog operation.

Considering that the minister said last Tuesday, "I have tried to make it a habit of listening to my constituents these past 25 years," will he meet with the group of constituents that are raising the environmental concerns about this project before he issues the water licence for the Norquay Colony hog operation?

**Hon. Harry Enns (Minister of Natural Resources):** Yes, Mr. Speaker.

**Ms. Cerilli:** For the same minister, does the minister have evidence from the environment impact assessment done by Poetker MacLaren Lavalin for the Norquay Colony to show that they had considered the depletion of the aquifer and the water supply for the area, as well as the problem of the high pressure pumps stirring up sediment and affecting the quality of the water?

**Mr. Enns:** Mr. Speaker, I will be happy to take that question as notice.

I remind the honourable member that it is my colleague the Minister of Environment (Mr. Cummings) who deals with environmental questions. I am assured by my engineering people, professional people in their field, that supply of water is not a problem in this situation.

### Oakville, Manitoba Hog Producer Licensing

**Ms. Marianne Cerilli (Radisson):** Considering that a similar hog operation at the Sunnyside Colony destroyed the wells in that area to a great expense for all of the individuals involved, will the Minister of Environment and the Minister of Natural Resources see that this operation has a complete and thorough environment impact assessment done?

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, without accepting the preamble of the member in her question about the destruction of aquifers, between our two departments we take very seriously the concerns that are raised regarding aquifers.

Living on the edge of the Assiniboine Delta Aquifer, I can tell you how sensitive I am to these issues. I will assure the member opposite that I will review the Poetker report and will work closely with the Department of Natural Resources to make sure that resources such as the aquifers are protected.

### Fournier Stands Manufacturing Manitoba Creditors

**Mr. Neil Gaudry (St. Boniface):** In May of this year, we in Manitoba became aware of another plant closing its doors in Manitoba and heading south to more lucrative green pastures. As a result of the Free Trade Agreement, Fournier Stands Manufacturing of Canada Ltd. announced it would be closing its doors in Winnipeg and about 50

employees, including handicapped workers, would be left jobless as a result.

Now we learn that not only are its employees victims, but also its Winnipeg creditors. Fournier Stands went into receivership as of July 2, and a number of Winnipeg creditors are left holding the bag of unpaid bills.

My question is to the Minister of Co-operative, Consumer and Corporate Affairs. Will she advise this House what steps she is taking to ensure that companies moving south as a result of the Free Trade Agreement do not leave a bag of unpaid bills in Manitoba, victimizing both former employees of the company and their creditors?

**Hon. Linda McIntosh (Minister of Co-operative, Consumer and Corporate Affairs):** Mr. Speaker, it is unfortunate throughout our history that companies do from time to time go into receivership. This government, as have previous governments and as I imagine governments to come, have cared about all of those affected by such occurrences.

I will be pleased to take the minister's question for consideration. My department—

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

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

**Mrs. McIntosh:** Since he has asked for specific information about a particular company—my department, of course, is available for consumers. We give grants as well to consultants who will help with those who are experiencing financial distress. I will, if the member wishes to see me, or I will come back with the information on that particular company.

### **Free Trade Agreement Impact Business Fallures**

**Mr. Nell Gaudry (St. Boniface):** Mr. Speaker, to the same minister, given that this province is paying a huge price for the Free Trade Agreement, losing businesses like Fournier Stands, Tupperware and Toro, as well as many thousands of jobs, will the minister today table, or plan to counter this drain of Manitoba businesses?

**Hon. Eric Stefanson (Minister of Industry, Trade and Tourism):** First of all, the member's preamble I think has some inaccuracies, unless he is doubting the word of some of the representatives from the companies, such as Tupperware, which it has been suggested many times in this House—and we were all provided with the briefing material and

background from Tupperware in terms of their decision.

They said, unequivocally, that free trade had nothing to do with the decision that they made; similarly, discussions with Fournier Stands, that I personally had with representatives of Fournier Stands, Mr. Speaker, so certainly the preamble, in my opinion, is inaccurate.

In terms of dealing with any relocations, obviously we negotiate with the companies, and we work toward retention of business here in our province. Thank you.

**Mr. Gaudry:** Fournier Stands clearly indicated, Mr. Speaker, that it was because of free trade, and I think the bills that they have left unpaid is an indication of that.

### **Labour Adjustment Strategy Tabling Request**

**Mr. Nell Gaudry (St. Boniface):** To the Minister of Labour, will he advise this House why Manitoba creditors and employees are paying the price for free trade, while he is only prepared to spend 2 cents per worker for labour adjustment? Will he table his labour adjustment strategy, any strategy today?

**Hon. Darren Praznik (Minister of Labour):** Mr. Speaker, the Liberal Party continues, through both the member for St. James (Mr. Edwards) and now the member for St. Boniface, to stress the amount of money that is spent, and they say 2 cents per worker.

As I have said in Estimates last fall, and as I have said in this House, the real strength of the labour adjustment union in the Department of Labour is its ability to work with companies that are either closing down or in trouble to find alternative products, to find alternative positions.

**Mr. Paul Edwards (St. James):** After the fact.

**Mr. Praznik:** The member for St. James says after the fact. He again does not know what he is talking about, because there are a number of companies—and I will be more than pleased to share that information with him in Estimates—where through the efforts of the staff at the Labour Adjustment Unit, they have found product lines, saved jobs in Manitoba, saved companies in this province, and he maligns some of the best staff and the work that they do.

### Point of Order

**Mr. Edwards:** The Minister of Labour has grossly, inaccurately indicated that I maligned his department. I maligned him, Mr. Speaker, and he—

**Mr. Speaker:** Order, please. The honourable member does not have a point of order.

### Status of Women

#### Assistant Deputy Minister Appointment

**Ms. Becky Barrett (Wellington):** Mr. Speaker, earlier this session, the minister responsible for the Civil Service with a great deal of fanfare tabled the Hay Report which reiterated the need in the Civil Service for a Civil Service based on merit and open competition. On June 12 of this year, Theresa Harvey was appointed the acting assistant deputy minister for the Women's Directorate.

My question for the Minister responsible for the Status of Women is: Can she tell the House today why there was not an open competition for this position which is of great importance to all the women in Manitoba?

\* (1410)

**Hon. Bonnie Mitchelson (Minister responsible for the Status of Women):** Mr. Speaker, the answer is quite simple. Theresa Harvey was seconded on an acting basis to fill the position after Doris Mae Oulton, who was the former assistant deputy minister in the Women's Directorate, was moved to the assistant deputy minister position of the Citizenship branch within my department. She is on a secondment only, and there will be an open competition.

**Ms. Barrett:** Mr. Speaker, I would like to ask the Minister responsible for the Status of Women what qualifications Ms. Harvey has for this position that would lead her to go against the recommendations of the Hay report which states that it is important to have open competitions?

**Mrs. Mitchelson:** Mr. Speaker, I really question where the questions are coming from, from a New Democratic Party who took the member for St. Johns (Ms. Wasylycia-Leis) out of the Premier's Office under their administration and put her in the Women's Directorate before she ran for election. I question, without competition, a direct appointment.

Mr. Speaker, I really question where the New Democratic Party is coming from. We have a long time—

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

**Mr. Speaker:** Order, please. Honourable Madam Minister, to finish her response.

**Mrs. Mitchelson:** Mr. Speaker, we have a long-time career civil servant who has the ability and the capability to manage the Women's Directorate. We have every confidence that on an acting interim basis, she will be able to accomplish that.

**Ms. Barrett:** Mr. Speaker, if, as the minister has stated, Ms. Harvey has the qualifications to undertake this job, will the minister explain to the House today why it is only an acting interim appointment? Is it because this position—

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

**Mr. Speaker:** Order, please. The honourable member for Wellington, to finish with her question.

**Ms. Barrett:** Will the Minister responsible for the Status of Women explain to the House today why to this date there has not been an open competition for this position? Is it because this position is not important enough? Do we have to wait another six months, have another—

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

**Mrs. Mitchelson:** Well, Mr. Speaker, unlike the practices of the New Democratic Party when they took a political person out of the Premier's Office and put her in that position in the Women's Secretariat, at that time, without competition, we will be holding a competition. That was exactly the reason we put Theresa Harvey in on an acting basis.

### Bill 68

#### Withdrawal

**Ms. Jean Friesen (Wolseley):** Mr. Speaker, my question is for the Acting Minister of Urban Affairs.

At the City of Winnipeg, all political groups have joined to create a nonpartisan committee to examine in an impartial manner the size of City Council and the ward boundaries. Mr. Speaker, that committee has now reported, and I would like to table copies of their recommendations and to specifically ask the Acting Minister of Urban Affairs: Would he agree now to withdraw Bill 68 and to re-examine the whole issue of ward size in Winnipeg and the size of City Council?

**Hon. Gerald Ducharme (Acting Minister of Urban Affairs):** I will take that question as notice and pass it on to the minister.

### Amendments

**Ms. Jean Friesen (Wolseley):** My second question is for the Acting Minister of Urban Affairs as well.

The Minister of Urban Affairs (Mr. Ernst) has a number of amendments that, I believe, he left—

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

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

**Ms. Friesen:** Mr. Speaker, before the Minister of Urban Affairs left, he indicated that he had a number of amendments that he had prepared for Bills 35 and 68.

I would like to ask the Acting Minister of Urban Affairs to table those amendments now to avoid the fiasco created by the Minister of Energy and Mines (Mr. Neufeld) when he brought in 46 amendments to his bill after debate.

**Hon. Gerald Ducharme (Acting Minister of Urban Affairs):** I am sure the minister will bring them in when we go to committee and do the usual process of having amendments at that time.

### Community Committees

**Ms. Jean Friesen (Wolseley):** Again, for the Acting Minister of Urban Affairs, given that Bill 68 already reduces the number of community committees from six to five, will the acting minister assure the House that these amendments which he refuses to disclose do not further reduce the number of community committees in the city of Winnipeg?

**Hon. Gerald Ducharme (Acting Minister of Urban Affairs):** Mr. Speaker, we do not refuse to disclose any amendments to be brought forward at the committee, along with all the suggestions of the member.

### Highway Upgrading Municipal Responsibility

**Ms. Rosann Wowchuk (Swan River):** Mr. Speaker, my question is for the Minister of Rural Development.

Many municipalities are concerned about the extra roads that they are being asked to pick up because of this government's offloading. However, they are also concerned that, although they have to pick up the roads on October 1, the funds will not transfer back to them until April of '92 and '93. Municipalities are also concerned because they are going to lose revenue. They used to get revenue

from the government for looking after these roads. Now it is a double loss to them. First, they will pick up the cost of the roads and now lose revenue.

In light of this fact, is the minister prepared to reconsider this offloading onto the municipalities and address these concerns that have been raised, or at least postpone it until these concerns have been addressed?

**Hon. Albert Driedger (Minister of Highways and Transportation):** I will first of all correct the member to some degree because we, on a trial basis, had some municipalities do grading work for us on the provincial roads. It has only been in a few municipalities where this has taken place. We will be looking forward to expanding that program on a tender basis, where we will allow the private sector or the municipalities to bid on some of these projects in the future.

**Ms. Wowchuk:** Will the minister table a list of all the roads that will be transferred back to the municipalities so that we can understand which ones are picking up the additional roads?

**Mr. Driedger:** No, Mr. Speaker, because we are in negotiations with the municipalities. When we have completed the project, then we will probably be prepared to table that information.

### Dept. of Highways and Transportation Staffing Levels

**Ms. Rosann Wowchuk (Swan River):** How can this government justify cutting hundreds of jobs that will reduce services to the rural communities? In particular, how can the Minister of Highways and Transportation justify cutting over a hundred jobs in his department to save money and still have money to hire a former colleague as a consultant for his government?

**Hon. Albert Driedger (Minister of Highways and Transportation):** Mr. Speaker, first of all, I would like to—as I indicated yesterday, I am prepared to table the contract that I have established with Doug Gourlay.

Mr. Speaker, the member makes reference to the hundreds of jobs that have been cut in my department. There has been a reduction, and when we get into my Estimates, we can go into the details. There were 114 SYs reduced within my department, and that was part of the process and economic decision that was made in terms of the reduction and transferring back of 2,000 kilometres. The member

has been informed herself, my capital program is still over a hundred million dollars for construction within the province, and I am very pleased with that.

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

### Speaker's Ruling

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

On June 5, 1991, during the second reading debate on Bill 70, I called on the honourable member for Thompson to withdraw the word "fascist," which he had used in that debate. In a brief exchange with the honourable member, which followed immediately, he questioned the basis of my ruling. I am sure that the honourable member, given his long experience in this House, did not intend to reflect on the decision or action of the Chair.

I believe, however, it would be appropriate at this time to remind all honourable members and urge them to be guided by the words of Beauchesne's Citation 168, which states: "Reflections upon the character or actions of the Speaker may be punished as breaches of privilege" and "The actions of the Speaker cannot be criticized incidentally in debate or upon any form of proceeding except by way of a substantive motion."

Because I was uncertain about the precise context in which the word had been used and therefore wanted an opportunity to review Hansard, I did agree to take the matter under advisement. Since then, I have had an opportunity to review Hansard, to examine relevant Manitoba precedence and to consult the usual parliamentary authorities.

The words used by the honourable member for Thompson on June 5 were: ". . . the kind of right-wing agenda that leads to fascist legislation like Bill 70—fascist legislation like Bill 70."

\* (1420)

The word "fascist" has not been ruled upon previously in Manitoba. In Ottawa it was ruled unparliamentary when applied to a group of members in 1983. Very recently in Ottawa, when used in an almost identical context, the Chair did not intervene and therefore made no ruling.

It has been my usual practice, since becoming Speaker, following the example of the House of Commons, to consider certain words unparliamentary only if they are applied to an individual. In this case, since the word "fascist" has not been ruled unparliamentary in Manitoba and in

any case was not applied to an individual, I am ruling that, in the particular context in which it was used on June 5, it was not unparliamentary.

Having said that, I believe I should remind all honourable members that, as stated in Beauchesne's 6th Edition, Citation 491: "No language is, by virtue of any list, acceptable or unacceptable. A word which is parliamentary in one context may cause disorder in another context, and therefore be unparliamentary."

Once again, I would like to urge all honourable members to pick their words carefully so as to assist in assuring that this place operates smoothly and disorder is avoided.

### Nonpolitical Statements

**Mr. Jack Penner (Emerson):** Mr. Speaker, might I have leave to make a nonpolitical statement?

**Mr. Speaker:** Does the honourable member for Emerson have leave to make a nonpolitical statement?

**Some Honourable Members:** Leave.

**Mr. Speaker:** Leave. Agreed.

**Mr. Penner:** Mr. Speaker, it gave me great pleasure last night to participate in the opening of what is going to be known as the renewal of the trek to the west by the North West Mounted Police. Some 117 years ago, there were some 274 officers of the North West Mounted Police, newly designated force at that time, who left Fort Dufferin at Emerson, Manitoba, and followed the Boundary Commission Trail to the Saskatchewan boundary and then on to Alberta.

This morning 100 men, women and children left in 13 covered wagons and about 50 mounted horses on another trek to follow that same route to Sourisford on the west boundary of Manitoba. This trek will take some 14 to 16 days, weather permitting, and will follow very much the same route that was initially followed some 117 years ago. It left Emerson this morning and lunched in Halbstadt, will continue on to Edenburg, Neu Anlage, Neuhorst, Kronsthal, and, by the way, Kronsthal was one of the first villages established on what was then called the West Reserve by the Mennonites and housed many of the travellers that came along that trail.

It is interesting to note that for a family, for a whole family, the charge of staying overnight with a meal and feed for the horses at that time was 60 cents a day. I would wonder whether hotels or maybe even

other facilities might want to consider that kind of a charge today.

They continued on to Schonwiese, Reinland, Hochfeld, Osterwick, Stodderville, Mountain City, Alexandria, Calf Mountain Hotel, the La Verendrye Cairn, Calf Mountain and on to Sourisford, as they will continue all of this week.

Mr. Speaker, I believe it is a tribute to those men and women who are descendants of those people that initially partook of that trek and opened up, were largely influential in opening up western Canada, that they are re-enacting that trek today to dedicate themselves to re-establishing the visibility of that trail in commemoration of the forefathers that opened up western Canada.

Mr. Speaker, I take my hat off today and hope that all members of this House will remember our forefathers and will congratulate those that organized, had the foresight to organize this trek and see this to a commencement. Hopefully, all of us are able to get out of here by the time that this trek completes in Sourisford and help them celebrate the end of that trek.

\* \* \*

**Mr. George Hickes (Point Douglas):** May I have leave to make a nonpolitical statement?

**Mr. Speaker:** Does the honourable member for Point Douglas have leave to make a nonpolitical statement? Leave? Agreed.

**Mr. Hickes:** I am pleased to rise today to commend the three levels of government under the Core Area Agreement that were instrumental in the renovations and expansions of the Health Action Centre that is situated at 425 Elgin in Point Douglas.

I was fortunate enough to view those facilities this morning with my colleague, and they have done an excellent job of renovating and adding equipment that will benefit our seniors in that centre. Even more so, the centre now, the way it is renovated and expanded with dental facilities and the upkeep of baths for seniors and stuff, I was really surprised to see where there was such an emphasis on the community people. There were some excellent posters.

I had the opportunity to talk to the excellent staff who were there, and they were telling me about the involvement and commitment that they have to aboriginal people of that area. It was really a pleasure to see that. I would just like to commend

the staff, the volunteers, the community activists, the Core Area Agreement and whoever else was involved in making this happen for the benefit of all community members of Point Douglas area. Thank you.

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, might I seek leave of the House for a nonpolitical statement?

**Mr. Speaker:** Does the honourable minister have leave to make a nonpolitical statement? Leave? Agreed.

**Mr. Orchard:** Mr. Speaker, my honourable friend the member for Point Douglas was part of a very significant ribbon cutting today with the Health Action Centre in terms of its 20 years of service provision, was able to cut the ribbon today on a facility which was newly renovated. Taxpayers of Manitoba can be proud of their \$600,000 contribution and the Core Area Initiative, and those proponents of that can be proud of their \$25,000 contribution towards those renovations.

In discussions with Jeanette Edwards, the executive director of the Health Action Centre, it was pointed out to me that already, because of the improvements made in the office and clinic space through these renovations, they are already serving almost 50 percent more people through the Health Action Centre than they were under the former facility with the same amount of staff and with the same operating budget. I think that is an incredible accomplishment.

I want to take my hat off to Ms. Edwards, her staff and their affiliation with the Health Sciences Centre, because they are making the health care of Manitoba much better to citizens in the Core Area who are seeking assistance medically and in terms of their family structure. It is a most joyous event that we were both at today, the member for Point Douglas and myself. I want to congratulate those areas that will be well served by the Health Action Centre in its new facility.

### Committee Changes

**Mr. Hickes:** I move, seconded by the member for Wellington (Ms. Barrett), that the composition of the Standing Committee of Industrial Relations be amended as follows: Selkirk (Mr. Dewar) for Point Douglas, Transcona (Mr. Reid) for Interlake (Mr. Cliff Evans), Swan River (Ms. Wowchuk) for Brandon

East (Mr. Leonard Evans), to take effect Thursday, July 11, 1991, at 10 a.m.

A further committee change, moved by the member for Point Douglas, seconded by the member for Wellington (Ms. Barrett), that the composition of the Standing Committee of Industrial Relations be amended as follows: Thompson (Mr. Ashton) for Swan River (Ms. Wowchuk) for Thursday, July 11, 1991, at 8 p.m.

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

### ORDERS OF THE DAY

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, I understand there is a willingness to waive private members' hour.

**Mr. Speaker:** Is it the will of the House to waive private members' hour? Leave? It is agreed. Yes.

**Mr. Manness:** Mr. Speaker, just to review the committees that are called and will be called:

Tonight the Standing Committee on Industrial Relations will continue the review of Bill 70 beginning at 8 p.m.

Also, at the same time, the Standing Committee on Law Amendments will sit in consideration of bills referred to it. Mr. Speaker, I will come back to that point in a moment.

The Standing Committee on Agriculture will sit tomorrow morning at 10 a.m. to consider the bills referred to it. I should have these bills numbers, but I do not.

I would propose that tomorrow night that Law Amendments committee will sit and consider bills to be referred to it later on this afternoon possibly, and that also Industrial Relations, as announced, will sit tomorrow night but not at eight o'clock. Both those committees will sit now at 7 p.m. tomorrow.

\* (1430)

**Mr. Speaker:** I would like to thank the honourable government House leader.

**Mr. Manness:** The Standing Committee on Agriculture and Law Amendments will meet in Room 254.

Mr. Speaker, would you call the bills in the following order: Report Stage, 39, 55 and 56; then Second Readings with leave, Bill 2 and then 54 and then 65; and then Adjourned Debate, Bills 40, 41, 42, 46, 47, 48, 64, 49, 45, 57, 58.

### REPORT STAGE

#### Bill 39—The Summary Convictions Amendment Act

**Hon. James McCrae (Minister of Justice and Attorney General):** Mr. Speaker, I understand the honourable member for Gimli (Mr. Helwer) was seeking the floor for committee changes. Is it your wish that I go ahead?

Mr. Speaker, I move, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 39, The Summary Convictions Amendment Act; Loi modifiant la Loi sur les poursuites sommaires, reported from the Standing Committee on Industrial Relations, be concurred in.

Mr. Speaker, before I actually make that motion, I would like to move an amendment to Bill 39.

I move, seconded by the honourable Minister of Finance (Mr. Manness),

THAT Bill 39 be amended by striking out section 7 and substituting the following:

#### Coming Into force

**7(1)** Subject to subsection (2), this Act comes into force on royal assent.

#### Proclamation: sections 5 and 6

**7(2)** Sections 5 and 6 come into force on a day fixed by proclamation.

#### Motion presented.

**Mr. McCrae:** Mr. Speaker, very quickly by way of explanation, this bill, when drafted, the hope was that the bill would be brought in and come into force upon Royal Assent. As the bill was being processed through this House, it became apparent to members of the judiciary and the Court Services Division that with respect to Sections 5 and 6 some further preparations would be required by way of administrative procedures to be put into place by the courts division and by the judiciary. As a result of that request, I am asking that those two sections come into effect on proclamation, the remainder of the bill on Royal Assent.

I think what we are talking about here is housekeeping, Mr. Speaker.

**Mr. Kevin Lamoureux (Second Opposition House Leader):** Mr. Speaker, just for clarification, is this Report Stage or Third Reading?

**Mr. Speaker:** Report Stage with an amendment.

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

**Some Honourable Members:** Agreed.

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

**Mr. McCrae:** Mr. Speaker, I move, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 39, The Summary Convictions Amendment Act (Loi modifiant la Loi sur les poursuites sommaires), reported from the Standing Committee on Industrial Relations, be concurred in.

**Motion agreed to.**

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

**Hon. Darren Praznik (Minister of Labour):** Mr. Speaker, I wish to move, seconded by the honourable Minister of Rural Development (Mr. Downey), that Bill 55, The Employment Standards Amendment Act (2); Loi no 2 modifiant la Loi sur les normes d'emploi, reported from the Standing Committee on Industrial Relations, be concurred in.

**Motion agreed to.**

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

**Hon. Darren Praznik (Minister of Labour):** Mr. Speaker, I would move, seconded again by the honourable Minister for Rural Development (Mr. Downey), that Bill 56, The Payment of Wages Amendment Act; Loi modifiant la Loi sur le paiement des salaires, reported from the Standing Committee on Industrial Relations, be concurred in.

**Motion agreed to.**

\* \* \*

**Mr. Speaker:** By leave, Bill 2 (The Amusements Amendment Act; Loi modifiant la Loi sur les divertissements).

**An Honourable Member:** No leave.

**Mr. Speaker:** There is no leave? Okay.

### **Committee Changes**

**Mr. Edward Helwer (Gimli):** I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Industrial Relations for Wednesday, July 10 at 8 p.m. sitting, be amended as follows: the member for Fort Garry (Mrs. Vodrey) for the member for Sturgeon Creek (Mr. McAlpine); the member for Turtle Mountain (Mr. Rose) for the member for Brandon West (Mr. McCrae); the member for Seine

River (Mrs. Dacquay) for the member for St. Vital (Mrs. Render); and the member for Kirkfield Park (Mr. Stefanson) for the member for Lac du Bonnet (Mr. Praznik).

I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Industrial Relations for the Thursday, July 11, 10 a.m. sitting be amended as follows: the member for St. Vital (Mrs. Render) for the member for Turtle Mountain (Mr. Rose); and the member for Sturgeon Creek (Mr. McAlpine) for the member for Kirkfield Park (Mr. Stefanson).

I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Law Amendments be amended as follows: the member for Brandon West (Mr. McCrae) for the member for Portage la Prairie (Mr. Conner); the member for Emerson (Mr. Penner) for the member for Sturgeon Creek (Mr. McAlpine); the member for Gimli (Mr. Helwer) for the member for Lac du Bonnet (Mr. Praznik); and the member for Arthur-Virden (Mr. Downey) for the member for Fort Garry (Mrs. Vodrey).

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

\* (1440)

## **SECOND READINGS**

### **Bill 54—The Statute Law Amendment (Taxation) Act, 1991**

**Hon. Clayton Manness (Minister of Finance):** I move, seconded by the Minister of Rural Development (Mr. Downey), that Bill 54, The Statute Law Amendment (Taxation) Act, 1991 (Loi de 1991 modifiant diverses dispositions législatives en matière de fiscalité), be now read a second time and referred to a committee of this House.

**Motion presented.**

**Mr. Manness:** Mr. Speaker, Bill 54 proposes certain tax legislation changes to implement the measures introduced in the '91 Manitoba budget and to improve the administration of provincial taxes.

Before outlining the details of these tax changes, I wish to remind the members of the action taken by this administration since 1988 to make Manitoba's taxes more competitive. We believe that Manitoba's economic future rests in our ability to provide a financially attractive environment in which to invest and to live. This is a challenge which we face and which each budget has addressed.

In 1989, we reduced the Manitoba income tax rate from 54 percent to 52 percent and increased the Manitoba tax reduction credits for dependent children under 19 from \$50 to \$250 and for disabled dependents over 18 from \$150 to \$250.

The 1990 budget announced that with the implementation of the GST in 1991, the retail sales tax would be applied alongside rather than top of the federal sales tax. This measure saves Manitobans an estimated \$30 million annually.

In the area of business taxation, we have increased the payroll tax exemption from 100,000 to 600,000 removing over 5,000 employers from paying the tax. Corporation income taxes and corporation capital taxes have not increased since 1986.

The 1988 budget introduced the small business tax reduction which provides small businesses with a reduced corporation tax rate for the first five taxation years. Unfortunately, our nation is in deep recession. The effect of the recession along with the reduced federal transfers have resulted in diminished provincial revenue. At the same time, almost one half of the personal income tax revenues go towards paying the annual Manitoba debt charges. As a result we are not in a position to implement much needed tax reductions.

The measures now being tabled are meant to make Manitoba's tax regime fairer, more equitable and in line with practices in other provinces. Corporations paying over \$1,200 corporation capital tax annually will be required to pay the tax in quarterly installments for fiscal years commencing after July 1, 1991.

Mr. Speaker, I do not imagine the Leader of the Opposition (Mr. Doer) will ever, ever use that information when he attacks us for being such a friend of the corporate world. He will never mention, for instance, that now we are requiring corporations to pay installments instead of the old practice of paying once a year after they file. That, of course, will provide additional revenue in which to earn interest and will obviously help on the revenue side. Presently these corporations pay only one capital tax installment 15 days prior to their fiscal year end with a balance due upon filing their returns six months subsequent to the year end. The improved cash flow will help reduce Manitoba's debt servicing costs.

The Health and Post-Secondary Education Tax Levy Act, let us call it the payroll tax, Mr. Speaker,

will be changed commencing January 1, 1992, to require the \$600,000 tax exemption and the notch provision which allows a reduced amount of tax to be paid on payrolls totalling between \$600,000 and \$1.2 million to be shared among associated corporations. Presently each corporation that is a member of an associated group is allowed to claim the full exemption or notch provision whichever is applicable.

This change, and I ask the NDP particularly to listen to this because again they have called into question our desire or our wish to impose taxation on corporations, this change will ensure that the payroll tax relief is applied fairly and consistently among businesses. Meaning, Mr. Speaker, that associated companies will be treated as one and they will gain the exemption once, not several times each time for the associated or not at arm's length company.

The Corporation Capital Tax Act presently applies related-person rules for its exemption and notch provision, and that provision is being changed by this bill to associated corporations effective in 1992 for the sake of fairness and consistency with the change being made to the payroll tax. This Bill 54 includes a change to the provincial Income Tax Act effective April 17, 1991, to focus access to the new small business tax reduction introduced in the 1988 budget to genuinely new businesses. This has been a concern particularly for the member for Elmwood (Mr. Maloway), Mr. Speaker. Firms which purchase existing businesses will now be required to make substantial additions in order to qualify for the program.

A change is also being made to disqualify certain social allowance recipients from receiving provincial tax credits. Beginning in 1992 regular monthly payments to social allowance recipients will be increased to assure more timely delivery of provincial benefits.

This bill proposes four categories of amendments to The Retail Sales Tax Act. First, there is an amendment to protect consumers from excessive sales tax charges by businesses. Mr. Speaker, hopefully this issue would be close to the member for Osborne (Mr. Alcock). It will be an offence for businesses to collect sales tax that the business knows is not applicable or exceeds the applicable amount. Any such amounts that are collected by businesses will have to be remitted to the

government, and the excess amounts paid are refundable to consumers.

Second, in line with our government's policy to reduce costs, an amendment is being provided to permit the recovery of travel costs by our tax auditors who are required to travel to points outside Manitoba to audit records kept at head offices by businesses who operate in this province. The costs, and I am talking now about transportation, accommodation and meals costs, will be recoverable from the businesses audited. This change is consistent with other Manitoba taxing statutes.

Third, to streamline the day-to-day administration of the sales tax, the assistant deputy minister of the taxation division is being delegated with the duties of assessing or reassessing business.

**An Honourable Member:** Mr. Puchniak?

**Mr. Manness:** Yes, Mr. Puchniak, and other taxpayers for sales tax owing, as well as waiving penalty and interest in appropriate cases.

**An Honourable Member:** A lot of morale problems over there.

**Mr. Manness:** Oh, they are improving very, very rapidly, Mr. Speaker, and that is because of the changes that have been made over there. I was over at the open house at the new division, at the taxation division, to try and help the morale problem. I believe the location alone and the improvements and the esthetics that go with that change will help the morale situation dramatically.

Actions taken by the assistant deputy minister to waive penalty or interest under this delegation of authority will be reported to the minister, and taxpayers will continue to have the right to appeal to the minister from assessments issued.

Finally, the bill contains legislative amendments designed to safeguard tax collections by ensuring that banks and other lenders, when foreclosing on overdue loans, are not permitted to pocket the sales tax content of book debts pledged by businesses against loans and by authorizing the assistant deputy minister to require a separate trust account to be set up for tax collections by businesses who have proven to be a credit risk.

To deter the withholding of sales taxes by vendors, there is an amendment in the bill to raise the amounts of the fines for offences committed.

\*(1450)

The bill will also amend The Tobacco Tax Act to implement provisions similar to those for sales tax, regarding the pledging of book debts and the keeping of a separate trust account.

The only increases this year are: tobacco tax increases of one cent per cigarette and one cent per gram of fine-cut tobacco, effective midnight May 31, 1991; a one-and-a-half cent per litre tax rate increase on motor gasoline and a one cent per litre tax rate increase on diesel fuel, effective midnight April 30, 1991; and, lastly, an environmental protection tax rate increase of five cents per beer can effective May 1, 1991.

Mr. Speaker, in closing, these measures reflect our government's continuing policy of restraint against imposing any major tax increases upon Manitobans in these difficult times of economic recession. As well, they demonstrate our continuing efforts to upgrade the effectiveness of the tax administration in collection systems.

It is with great pride that we give effect to the taxation measures that were brought forward in our budget. Mr. Speaker, this government, as is well known by most Manitobans now, has done everything within its power to not only withhold tax levels at the present rate but reduce them within the areas feasible.

I will provide to opposition, either House leaders or indeed their Finance critics, copies not only of the reading notes but indeed the changes reflected in Bill 54.

**Mr. Gary Doer (Leader of the Opposition):** I move, seconded by the member for Flin Flon (Mr. Storie), that the debate on the bill now be adjourned.

**Motion agreed to.**

### **Bill 65—The Statute Law Amendment Act, 1991**

**Hon. James McCrae (Minister of Justice and Attorney General):** I move, seconded by the honourable Minister of Energy and Mines (Mr. Neufeld), that Bill 65, The Statute Law Amendment Act, 1991; Loi de 1991 modifiant diverses dispositions législatives, be now read a second time and referred to a committee of this House.

**Motion presented.**

**Mr. McCrae:** Mr. Speaker, I would like to make a few brief remarks in moving second reading of Bill 65, The Statute Law Amendment Act, 1991.

As all honourable members know, this is an omnibus bill that we deal with at each session of the Legislature, designed primarily to correct errors in the statutes that have been brought to our attention in the course of the past year. For the most part, these are corrections of drafting and editing errors and are nonsubstantive. However, we do include from time to time some changes that are substantive to some degree but which are noncontroversial and do not appear to require debate in principle.

In this respect, I would draw the attention of honourable members to certain sections of Bill 65. Sections 1 and 26 of the bill repeal certain inspection requirements which are now obsolete. Section 3 increases the number of board members of the Cancer Treatment and Research Foundation and extends membership terms until their successors are appointed. Section 4 amends The Civil Service Superannuation Act to make it clear that the fund has no further liability after lawfully paying out the commuted value of a pension or an amount equal to the actuarial liability of the fund for a pension.

Section 5 corrects a drafting error as a result of which federally incorporated corporations were inadvertently prohibited from acting as trustees in Manitoba. Section 8 corrects an inadvertent result of a change made in the rewriting of The Court of Queen's Bench Act with respect to the setoff of mutual debts and clarifies the power of the Chief Justice to make certain administrative assignments to judges of the court.

Section 9 amends The Crop Insurance Act to correspond with a change to the federal legislation in the area. Section 11 repeals a provision of The Financial Administration Act which was enacted specifically in relation to Manitoba Properties Inc. and whose purpose is now spent.

Sections 18 and 25 contain changes recommended by the Registrar General of Land Titles to eliminate certain costly and unnecessary procedures and to modernize certain provisions to reflect increased property values.

Section 20 changes The Newspapers Act such that the publisher need not publish his or her residence address but rather only the place of publication, thereby bringing our act into line with the legislation of other jurisdictions.

Section 21, at the request of the City of Winnipeg, is extending by six months the date by which the city must have an Ombudsman in place. Further, the section clarifies from an administrative and

accounting point of view the basis of the proposed arrangement between the province and the City of Winnipeg related to the services of the Ombudsman.

Section 22 makes certain changes to the decision-making powers of the complaints committee under The Physiotherapists Act, as requested by that association.

Section 29 amends The Uniform Law Conference Commissioners Act to clarify that decisions respecting funding of the conference are discretionary.

Section 30 changes the name of the Manitoba Advisory Council on the Status of Women at the request of that body to The Women's Advisory Council of Manitoba.

Section 32 clarifies the application of The Centennial Projects Tax Status Act where the property ceases to be used for the tax-exempt purpose.

Finally, I would mention that Parts 2 and 3 of Bill 65 contain corrections required as a result of errors made in the re-enactment process. Fewer such errors are being identified at this stage, and they have therefore been included in the general Statute Law Amendment Bill this year rather than being presented in the form of a separate Bill.

Mr. Speaker, I would be pleased to deal with any question honourable members may have at the committee stage of the bill. Otherwise, other than to thank honourable members for their enraptured attention to this extremely interesting bill, this concludes my second reading remarks on Bill 65.

**Mr. Jerry Storie (Flin Flon):** Mr. Speaker, I move, seconded by the member for Thompson (Mr. Ashton), that debate be adjourned.

**Motion agreed to.**

## DEBATE ON SECOND READINGS

### Bill 40—The Education Administration Amendment Act

**Mr. Speaker:** On the proposed motion of the honourable Minister of Education (Mr. Derkach), Bill 40, The Education Administration Amendment Act; Loi modifiant la Loi sur l'administration scolaire, standing in the name of the honourable member for Flin Flon.

Stand? Is there leave that this matter remain standing?

**An Honourable Member:** No.

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

**Mr. Jerry Storle (Flin Flon):** I stood this bill for my colleague the member for Kildonan.

**Mr. Speaker:** Leave has been denied.

**Mr. Dave Chomiak (Kildonan):** Mr. Speaker, I can indicate at the onset that I will be the final speaker for members on this side of the House with respect to this particular bill, Bill 40, and members on this side of the House will be passing this bill on to committee for consideration following my comments, of course, subject to comments perhaps by members of the Liberal third party opposition.

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

Madam Deputy Speaker, The Education Administration Act amendments deal with, in my estimation, changes to The Education Administration Act in three principal areas. Firstly, to give the power to the minister to purchase and deal with school buses in the relationship to school boards. Secondly, it allows the minister to bring in provisions for copyright agreements to be entered into by educational institutions and school divisions. Finally, it provides the minister with the requirement that he provide written reasons for his suspension of a teacher's certificate. I will be dealing with all of these areas in my brief comments dealing with this particular amendment.

I would like to commence, Madam Deputy Speaker, by first thanking the minister for providing me with not only a spreadsheet of the changes to the specific bill but also some briefing notes dealing with the bill. I can indicate that the Minister provided me with a briefing session dealing with all of the Education bills, and I wish to thank the minister for providing me with that as well as for providing me with written material in this regard. I find it very helpful; members on this side of the House find it very useful. I believe the same information and the same offer was provided to the Education critic for the Liberal Party.

Again, I want to thank the minister for that because it certainly assists us in doing our job. Let us face it, Madam Deputy Speaker, our job is to do what we can for the betterment of all the people of Manitoba. Where we can co-operate in a positive sense and where we can exchange useful information can only help the people of Manitoba. It

serves to make for better government and better education policies in the province of Manitoba.

\* (1500)

Madam Deputy Speaker, The Education Administration Act, as its title indicates, largely deals with matters of an administrative nature dealing with such aspects as the day-to-day operations of school divisions and school boards. With a couple of exceptions, the amendments as proposed by the minister are relatively straightforward. When I first had an opportunity to review the particular provisions, I was concerned because of some of the recent announcements dealing with the section dealing with school buses. I was concerned because of some of the direction that I see the department taking vis-a-vis transportation and school buses.

Madam Deputy Speaker, the minister has launched a pilot project reviewing what amounts to a privatization of school bus transportation in the province of Manitoba. When I review these particular amendments, I had to review them in light of the minister's initiatives in this particular area. I satisfied myself that it was not necessarily the case that these amendments were in that regard because we were quite concerned about that transportation study taking place. We have an enviable record and a very, very positive record dealing with student transportation in this province. Many, many school divisions do an excellent job of transporting pupils.

It is one of these instances where I do not—the minister is attempting perhaps to reinvent the wheel and, in moving towards privatization of the transportation services, we are quite concerned because collectively we have a province with a wide-ranging geographic setting, with school divisions and schools widely scattered, with students scattered across the province. Because of our relatively sparsely populated nature, Madam Deputy Speaker, particularly outside of the urban centres, transportation has been taken on by the public of Manitoba in a co-operative sense for all of us, for the benefit of all. Collectively, we have decided that we will participate totally on a province-wide basis to assist students in getting to and from school and in being able to carry on their education activities.

Any move by the government towards privatizing the transportation services could result, Madam Deputy Speaker, in a two-tiered or three-tiered transportation system with the resulting effects of

increasing disparity in the education system, something that is occurring unfortunately with greater frequency, not lesser frequency, particularly as a result of this government's funding, inequitable funding initiatives to school divisions, most notably on that black day January 22 when the government this year indicated its funding commitments to the school divisions and at the same time when it gutted the funding formula and put in place a base funding formula, did not provide for pupils and did not provide in any meaningful way for a properly funded equitable education system in the province of Manitoba.

So, as concerns the amendments dealing with the transportation, Madam Deputy Speaker, we were somewhat concerned. I did have the opportunity, as I indicated, of discussing the matter with the minister in the briefing session that we undertook, and we are satisfied that the changes are of a rather technical nature and not raising these concerns in our mind.

However, Madam Deputy Speaker, the changes with respect to the suspension of a teacher's certificate caused us to have greater concern. The power of the minister to suspend the certificate of a teacher is a very, very deep power. It is very expansive, and the minister has a wide range of discretion in suspending a teacher's certificate.

The effect of that suspension is of course quite profound on the individual involved. The individual involved cannot carry on practice, cannot ply their trade, cannot feed their family effectively, cannot work in their profession. So the power must be exercised very, very judiciously and with a great deal of reflection and a great deal of review, Madam Deputy Speaker.

To that end, the amendment, as proposed by the minister, is an improvement in the situation, insofar as the minister is required now by virtue of the amendment to provide reasons for the particular suspension. I think that is a very, very positive response. However, I think it is a trite point. It is a trite point insofar as, from my understanding of the laws of natural justice, as they apply on matters of this kind, the minister is compelled by law whether or not it is in statute or not. The minister is compelled by law to provide those kind of reasons following a hearing, regardless, Madam Deputy Speaker.

So what the amendment seeks to do is put into statutory form something that is a requirement of the

law regardless, Madam Deputy Speaker. However, we do have a concern on this side of the House with respect to the kind of appeal process that is put in place for teachers who have lost their certificate, and we note that there is not a provision or an accompanying provision dealing with that aspect of the question of a teacher losing their licence.

To that end, we will be querying the minister and giving him notice of that in committee, in order to determine what process is in place and, more importantly, what process will be put in place dealing with that aspect, that very, very powerful discretionary authority that is exercised by the minister.

Frankly, Madam Deputy Speaker, on a philosophical note dealing with this authority that is derived by the minister, through this statute, I actually query the methodology and the approach to this matter as contained in our Education Administration Act. I stand to be corrected, but I do believe we are one of the few, if not the only, jurisdiction in the country that still permits a minister to have that authority. If not the only jurisdiction, we are certainly in a minority where we provide the minister with that overriding power. While not proposing, necessarily, policy in this regard, I would suggest that perhaps we should move to another forum of providing for review of teachers' certificates, perhaps a committee in the first instance, rather than going right to the top, to the minister, having the minister make the decision and, consequently, where does one appeal to subsequent to the ministerial decision?

In that sense, the minister gets involved in the day-to-day functioning and activities of teachers, and there is no other profession, I dare say with one exception, in the Province of Manitoba, and no other jurisdiction I believe in the country where this kind of authority still rests with the minister. I seriously question whether we should not take a serious look at that, and I am hopeful that we can perhaps review that insofar as the minister has announced a review of The Public Schools Act, and I assume all accompanying legislation dealing with education in the Province of Manitoba.

So I look toward a more appropriate system of dealing with teacher certificates and the removal and the suspension of certificates, rather than having the minister on a daily basis become involved in the process. It does not make a lot of

sense to me frankly, Madam Deputy Speaker, and I will go on record as stating that today.

The final changes, Madam Deputy Speaker, deal with the amendments, dealing with the Copyright Act and provision for the minister to enter into negotiations with institutions to deal with copyright acts, to copyright as it relates to school divisions. This is a rather technical provision; it will cost money. We queried the minister on that with respect in the Estimates process as to the costs and how those costs would be borne, and we will probably, in fact we will, have several questions for the minister in this regard.

So, with these brief comments, I am prepared to indicate that we are prepared to pass Bill 40, The Education Administrative Amendment Act, on to committee. Thank you, Madam Deputy Speaker.

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

The question before the House is second reading of Bill 40, on the proposed motion of the honourable Minister of Education (Mr. Derkach), The Education Administration Amendment Act (Loi modifiant la Loi sur L'administration scolaire).

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

**Some Honourable Members:** Agreed.

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

### **Bill 41—The Public Schools Amendment Act (2)**

**Madam Deputy Speaker:** Bill 41, The Public Schools Amendment Act (2) (Loi no 2 modifiant la Loi sur les écoles publiques), to resume debate on second reading. On the proposed motion of the Honourable Minister of Education, standing in the name of the honourable member for Thompson (Mr. Ashton).

\* (1510)

**Mr. Steve Ashton (Thompson):** Madam Deputy Speaker, I have gone through this bill; indeed, our caucus had a complete discussion. We do have a couple of speakers on this, and I will be following this bill at committee and on third reading. I know the member for Flin Flon (Mr. Storie) has a speech he would like to make on this particular bill, so I will defer to the member for Flin Flon and our Education critic afterwards, the member for Kildonan (Mr. Chomiak).

**Mr. Jerry Storie (Flin Flon):** Madam Deputy Speaker, I will not be long on this particular piece of legislation. There are a couple of areas of concern, however, that I did want to address before we move this bill on to second reading.

Much of this bill relates to the establishment of a Boundaries Review Commission, which the minister has announced and, I assume, will be forthcoming in the next few weeks, if not, the next few months.

I hope sincerely that the impetus to establish The Boundaries Review Commission was not taken out of some misguided and misunderstood notion that somehow there was a great deal of money to be saved by a boundaries review because, while certainly there may be some efficiencies in amalgamating certain school divisions with very small student populations, the fact is that there is also a cost. The cost, of course, occurs because of additional transportation costs, but it also accrues because of the difficulty in the distances that separate people from their communities and now from their schools.

Madam Deputy Speaker, it is certainly true that, in the early 1960s, when our some hundreds of school districts amalgamated to form the approximately 50 school divisions that are spread throughout the province of Manitoba, there were some efficiencies to be gained by that amalgamation. It is also true, however, that, for the first time in our history as a province, the vast majority of students in rural Manitoba began to be transported to communities away from their homes and in some cases away from their own communities.

We certainly do not want to move backwards in history. We do not want to attempt to be reestablishing the small one-room schools that served much of Manitoba for almost half of this century—

**An Honourable Member:** What have you got against one-room schools?

**Mr. Storie:** Nothing, Madam Deputy Speaker, however, we did suffer as a result of the consolidation. We had young students travelling miles away from their homes. We had young people travelling out of their communities to other communities. We had an alienation, if you will, of parents from their school. It was no longer possible for a teacher to know each of his or her students and their parents necessarily, and that may actually

have worked against the depth of the education that we provided to our children.

Certainly, no one could suggest that this minister should not be involved in a boundaries review because, as it stands in the province right now, there are many school divisions—I should not say many. Certainly, there are some school divisions, Mountain, Norwood, Duck Mountain—there may be others—that are perhaps, because of shrinking student population, at the point where amalgamation with another division may make some sense.

Having said that, there is nothing wrong with establishing this review commission. I want to make it very clear that before we proceed, and we are giving the minister, in my opinion, extraordinary power to amend the boundaries basically as he sees fit. We note the legislation says that he has to have a review done by the commission that is being established, but certainly the minister can act on his own. After the report—

**An Honourable Member:** Would you?

**Mr. Storie:** The minister asks, would I? Certainly I would not but I am not sure about this minister, Madam Deputy Speaker.

The fact of the matter is that these are always political questions. There is going to be no escaping the fact that when you attempt to change a group of parents and their students from one division to another, to amalgamate them, to ask children who previously attended a school a few minutes ride away to now travel an hour or an hour and a half in some cases, you have a political question on your hands quite clearly.

Madam Deputy Speaker, I simply want to go on record as saying—well, I certainly cannot stand and say that I do not support a review. I think there are changes that can be made without a great deal of discomfort for the teachers or the students or the parents of those students. I want to say that this equation should not simply boil down to a question of, can we eliminate a superintendent here or an administrator there? The question should be in the final analysis, are the changes that are being contemplated in the best interest of the students and the parents that we serve? Of course, you take the financial cost into that equation, but they should not be the only or the determining factor when it comes to assigning boundaries or establishing boundaries in the province of Manitoba.

Madam Deputy Speaker, I am going to leave that question for the moment. I have reviewed the details of the Boundaries Review Commission. I see, I think, few problems in terms of its mandate. I am only concerned that we are giving the minister the power in this not to follow the recommendations. I can only urge at this time that the minister pay very close attention to all of the questions which should go into establishing the boundaries for our school divisions.

Finally, on that point, I would also urge the minister to ensure that the review commission consults as broadly as possible, that the interests of not only the members of the commission but those interest groups who serve education are also considered and consulted before any review recommends a change or the minister on his own decides to alter the boundaries of our school divisions.

Madam Deputy Speaker, the other issue that I wanted to discuss for a moment in this bill dealt with the grants for transportation. I did not rise to make any remarks on the previous education administration act, however, I share the concerns with my colleague the member for Kildonan (Mr. Chomiak), and members on this side that once again the Minister of Education is facilitating the giving of taxpayers' money to private schools.

This government has pleaded poverty on many occasions. The Minister of Health (Mr. Orchard) stands and says that people in northern Manitoba have to pay a user fee to access medical services because of the need of the government to constrain its spending. This government, a government that you, Madam Deputy Speaker, are a part of, has increased funding to private schools by approximately \$12 million per year in its short three-year history. I do not want to startle anyone in this Chamber, but we are now contributing approximately \$20 million annually to private schools. If the government's policy is implemented fully by 1996, even if there is no increase in private school attendance, which, of course, I believe there may be because there is now an incentive to send your students to private schools, it is going to end up costing the province of Manitoba almost \$125 million in the term of a government.

If we start to see an increase in private school attendance, that figure is going to increase. We are no longer talking about a few million dollars in support to private schools. We are now talking

about picking up the lion's share. I want to point out right now that as it stands that \$125 million we are going to be spending on private schools is going to come out of the school of the member for Gimli (Mr. Helwer), Evergreen School Division, and the member for Fort Garry (Mrs. Vodrey), the Fort Garry School Division, and the member for Roblin-Russell (Mr. Derkach) in fact.

\* (1520)

There is only one pot of money. We get it from the taxpayers of Manitoba. If \$125 million of it in a term is spent on private schools, it is not going to be available for public schools. -(interjection)-

Madam Deputy Speaker, the Minister of Education and Training (Mr. Derkach) and the Minister of Energy and Mines (Mr. Neufeld) may want to say it costs us less. We are not talking about the same students. Private schools do not carry the burden for society the way that public school does. We all have an obligation to society. That is why we established public schools, and good old Tories, 40 and 50 and 100 years ago, supported the private schools. Where has that gone?

**An Honourable Member:** You better talk to the guy behind you.

**Mr. Storle:** The guy behind me—the minister is referring to the member for Kildonan (Mr. Chomiak)—has no problem with my position at all.

**An Honourable Member:** Oh, talk to your Leader. Where was he educated? Where was your Leader educated?

**Mr. Storle:** Madam Deputy Speaker, the Minister of Education and Training continues to worry about where the member for Concordia (Mr. Doer) was educated. The member for Concordia was educated at a private school at a time when there was no financial support from the public.

**An Honourable Member:** Wrong.

**Mr. Storle:** The fact of the matter is there was no financial support to the private schools until 1973.

Madam Deputy Speaker, I did not intend—

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

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

**Mr. Storle:** Madam Deputy Speaker, I am not here to discuss the merits of private schools. Private schools have been and will be and are a part of our society. I believe they should be. The question that

I have continued to debate is whether the public should support the private schools.

This government has chosen to spend millions and millions and millions of taxpayers' dollars not to increase the number of students attending school, not to increase the quality of education for those students but simply as a grant to some parents of private school students. Madam Deputy Speaker, it is wrong.

**Hon. Leonard Derkach (Minister of Education and Training):** You were giving funds to private schools, Storle.

**Mr. Storle:** Madam Deputy Speaker, the Minister of Education says I was giving money to private schools.

**Mr. Derkach:** An under-the-table kind of deal with you.

**Mr. Storle:** Madam Deputy Speaker, there was no under-the-table deal at all. The private schools knew exactly what they got from our government.

The Minister of Education in this piece of legislation continues to facilitate the giving of taxpayers' money to private schools. Section 64 deals with the ability now of school divisions who signed shared transportation agreements with private schools to recoup that from the public of Manitoba. Now, not only are we going to be providing money to private schools on a per-pupil basis, we are now going to pay the costs of transporting those students.

Madam Deputy Speaker, that has been done by school divisions in the past. -(interjection)- That is right. It was done as a courtesy by some school divisions. There were arrangements worked out between the private schools. The public school boards can do as they wish. It is a different matter to ask the public to pay for it. The concern here is, and I think a legitimate one, that we continue to see an expansion of the support to private schools by this government. We should not kid anyone.

The Minister of Education, in his closing remarks, is going to attempt to portray this as simply a matter of fairness. It is a matter, Madam Deputy Speaker, of taking taxpayers' dollars and supporting the private wishes of some parents. The irony of that situation is that we have gone past the point of simply providing support. The average taxpayer, the homeowner in Manitoba who was at one time complaining about having to pay taxes, school taxes on their property for the public school system when

they were getting no support for their school system, has long since disappeared.

The fact of the matter is that an individual now gets almost twice the amount of government support that at one time or they still pay in property taxes. So we are not simply creating fairness. We have now created a situation where there is an incentive to create a two-tiered school system, one for those who can afford that little extra, or perhaps a lot extra if you are talking about St. John's-Ravenscourt, and another system which provides support to society by doing the work that a democratic society requires in educating its students.

Madam Deputy Speaker, I believe this is a mistake. I believe that over the long run the public school system is going to suffer because of these small and incremental improvements to private school funding, apart from the major policy change of this government. The tragedy of it all is that the people who are going to suffer, many of them are sitting in the back row of the government. Many of them are members of the government cabinet who are responsible, supposedly, for the public school system in their area.

Madam Deputy Speaker, it perhaps has not struck the Minister of Education as odd, as peculiar, that this minister is now pumping \$20 million into private schools, when the vast majority of private schools are in the city of Winnipeg, when they are not in fact in their areas. Most of the rural members in this caucus would be hard pressed to have one of their students in their constituency attend private school.

Madam Deputy Speaker, this is an ill-conceived policy and this portion of this bill which deals with more money to private schools is ill conceived and is going to end up in the continuing erosion of the public school system. The Minister of Education does not care. He has not listened to anything the public school system said, the trustees have said or the teachers have said or the parents have said, for that matter, in the past three years. So we do not anticipate he is going to change his tactics at this point, but it is wrong.

**Mr. Dave Chomlak (Kildonan):** Madam Deputy Speaker, I can indicate that I will be closing debate for members on this side of the House with respect to this bill and will be asking that the matter proceed to committee, of course, subject to comments, perhaps, by members of the third party Liberal opposition.

I rise to discuss the amendments of the minister with respect to The Public Schools Act, and I would just like to reflect briefly upon comments of the member for Flin Flon (Mr. Storie) on this particular act. Members opposite are obviously chafing from the speech of the member for Flin Flon, or feeling very sensitive. The points made by the member for Flin Flon were demonstrated to me very, very clearly during the Estimates process most recently when we reviewed the expenditure Estimates for the department and when we looked at the expenditures on the public/private school system.

Nothing speaks more accurately and nothing speaks more eloquently as to what direction this government is doing in education than this fact: Two private schools in the city of Winnipeg received more in an increase in grant than all of the special needs students in the entire province of Manitoba, and I want to repeat it again, Madam Deputy Speaker, because it is a startling fact and it is something the members opposite refuse to acknowledge. Two private schools who take virtually no special needs students, I might add, two private schools in the city of Winnipeg received a greater increase from this department this year than all the special needs students—every single one—in the province of Manitoba combined.

\* (1530)

That is a condemnation of this government and the policies of the Liberal Party who go hand in hand with the government on this in support for this kind of travesty to occur with taxpayers' money, Madam Deputy Speaker, and I will not get in any more detail because the member for Flin Flon (Mr. Storie) has dealt with it adequately, but that fact remains. That fact is on the record, and the Minister of Finance (Mr. Manness) and all the members on that side of the House are going to have to live with that travesty, with that inequity, with that unfair treatment.

Madam Deputy Speaker, we seem to be having a -(interjection)- The member for Inkster (Mr. Lamoureux) appears to have some difficulty with the situation and I respect his position but I totally disagree with it. There is no matter and no stretch and no form that they can argue the fact that two private schools received more in funding increases than all of the special needs students in the province of Manitoba, and that is unfair.

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

**Madam Deputy Speaker:** Order, please. The honourable member for Kildonan is attempting to debate the bill, and members on both sides of the House are interfering with his progress.

**Mr. Chomiak:** Madam Deputy Speaker, I evidently have gotten my message through by comments from the minister and members of the Liberal Party, and I am glad that fact has been hammered home, because I have repeated it on many occasions. I have repeated it at public forums and I have repeated it at public meetings. I will continue to do that, because that fact in itself speaks volumes about what direction this government is taking in this province.

The minister speaks about his initiatives in special needs, and then he goes and gives more to two schools alone than all of the special needs students in the province of Manitoba in terms of increase this year. That is wrong. That is inequitable, and it is wrong. It is the minister's own figures that I am using, the figures that he tabled in the Estimates.

Madam Deputy Speaker, just with respect to the amendments to The Public Schools Act, I want to again thank the minister for providing me with briefing papers with respect to this act and a spreadsheet pointing out the amendments and providing me with an opportunity to review with him the amendments. It is appreciated by members on this side of the House, and I again want to thank him for providing me with that opportunity.

The amendments are fairly wide ranging, and I break them down—I will not be dealing with them clause by clause obviously, because that is more a matter to be dealt with when we reach the committee stage. In general, the amendments break down to a number of areas, the first dealing with the establishment of a boundaries review commission, the second dealing with transportation, the third providing school boards being given the authority to obtain grants, the changing of the funding structure as it relates to special agreements between private schools and public schools, changes dealing with renovations, purchases of buildings and changes with respect to financial decisions relating to operational and capital grants, all the latter changes being precipitated by comments of the Provincial Auditor with respect to how matters are dealt with by the Public Schools Finance Board and the minister.

The changes in that latter part of the act deal with concerns expressed by the Auditor and, of course,

are coterminous with Bill 42, which is changes to The Public Schools Finance Act. Generally, those are the changes as proposed in The Public Schools Finance Act.

Madam Deputy Speaker, my general comments with respect to The Public Schools Act deal with a wide-ranging area. I have already indicated our admonishing of the government with respect to its private school funding increases, particularly as they relate to special needs students.

It is interesting, I will use this opportunity as it relates to The Public Schools Act to indicate some of our concerns with respect to The Public Schools Act. The act requires changes. I have mentioned it on many occasions, and I am happy to see—and I indicated that publicly—that there are proposals for changing The Public Schools Act. The minister has announced a policy and a review commission, if I can term it that, that will be touring the province dealing with changes to The Public Schools Act. Members on this side of the House look forward to the changes to The Public Schools Act and in fact look towards a new act to be provided to the students, to the children, to the people of Manitoba dealing with education.

Madam Deputy Speaker, I have had occasion to review amendments to all of the education acts and some of the new education acts in other jurisdictions in the country. I have had occasion to review, for example, a very innovative and forward-looking act, specifically the Yukon education act. I urge the minister in his review of The Public Schools Act to consider the changes, most notably those in the Yukon which has as of 1990 reviewed its education act.

I just want to quote from the preamble to that act as a suggestion to the minister, and I am quoting from the Yukon education act: Recognizing that the Yukon people agree that the goal of the Yukon education system is to work in co-operation with parents to develop the whole child, including the intellectual, physical, social, emotional, cultural, and esthetic potential of all students, to the extent of their abilities so that they may become productive, responsible and self-reliant members of society while leading personally rewarding lives in a changing world; and recognizing that the Yukon education system would provide a right to an education appropriate to the individual learner based on equality of educational opportunity, prepare students for life and work in Yukon, Canada

and the world, instill respect for family and community, and promote a love of learning; and recognizing that meaningful partnerships with greater parental and public participation are encouraged for a high-quality Yukon education system; and recognizing the Yukon curriculum must include the cultural and linguistic heritage of Yukon aboriginal people and the multicultural heritage of Canada; and recognizing that rights and privileges enjoyed by minorities are enshrined in the law, shall be respected, they therefore enact the act.

This particular act and this particular preamble, I think, is a—I have not reviewed it in depth, but to my mind, it is an excellent encapsulation of some of the goals and purposes of education and something that we are all looking forward and looking to when the minister finally does come down with his new Public Schools Act, something that delineates the roles and responsibilities of the provincial government dealing with education.

It is interesting that the amendments to The Public Schools Act touch upon the tax basis and the tax regime that is presently in place in this province as it deals with public education in Manitoba, and members on this side of the House always look to members opposite with a great deal of surprise when members repeat the myth that there have been no tax increases in the province of Manitoba. Madam Deputy Speaker, it is astounding that members on that side of the House could actually state that with a straight face considering that the Minister of Education (Mr. Derkach) indicated in Estimates quite clearly that the average increase of the local tax levy has been 10 percent for the education proportion alone this year, and that, after increases, ever since the Conservative government came to power. We on this side of the House have taken to calling this the GFT. Members on that side of the House are quite aware that what the government has done is offloaded the cost of education from the province-wide revenues onto the backs of local taxpayers.

It strikes me as shocking that members on that side of the House could actually state that there has been no tax increases in the province of Manitoba since that government has offloaded horrendously the tax burden onto local taxpayers. Members on that side of the House only have to walk down any street or any lane in any part of the province of Manitoba to talk with individuals and to determine how they are feeling towards this offloading onto the

property tax base by this government which clothes itself in a rhetoric of no tax increases, but what it seeks to do, cannot do through the front door, does through the back door, Madam Deputy Speaker, and that is deplorable.

\* (1540)

There is, of course, no improvement in this situation as a result of the minister's announcement on January 22 when he brought down his funding formula for this year. We look forward with some, I cannot say anticipation but probably more appropriate, with some trepidation towards what the minister will be announcing in terms of the new financing model that will be put in place for the next four to five years in this province. I dare say that if it is based upon what the minister has done this year and in the last several years, we will see a decreasing amount of revenue going to school divisions and an increasing offloading of education costs onto the local taxpayers.

So that we will have the continuation of the deplorable situation where many students in rural Manitoba do not receive the same kind of accessed education that students do in some urban centres where we have some taxpayers, for example, in the city of Winnipeg picking up 74 percent of the cost of special needs students while the province only provides 26 percent. Yet the government insists that somehow they are meeting the cost province-wide when they are not doing it in the vast majority of school divisions even on a 50 percent basis, Madam Deputy Speaker. That is deplorable, and I look forward—I would hope that we would see an improvement in the equity of the financing model that is going to be put in place, but I am not holding my breath on that.

I can assure you, I would like to have an opportunity of reviewing the model before it is put in place. I note that in past, ministers have provided opposition members with copies of reports of Education Finance Review Committees. This minister has not at this point provided us with a copy. I would certainly look forward to the opportunity to review it prior to the actual model being put in place. I see the minister is nodding in affirmative, and I appreciate that and look forward to an opportunity of -(interjection)- In an hour or so, the minister indicates. That probably would fit in with the game plan, because we are getting rather late. I have spoken on many, many occasions in this House about my difficulties with the way we finance

education and the fact that school divisions and school boards do not have ample warning and ample opportunity to provide in the long term for their funding requirements.

Madam Deputy Speaker, one of the unfortunate things about these changes are the things that it does not address. I have already alluded to some of this. We used to talk about expanding vertical and horizontal equity in the education system. As of late, we do not even deal with those topics by virtue of the fact that neither horizontal nor vertical equity has been built in to this government's approach to education. We have seen both components suffer as a result of the government's initiatives and lack of initiatives with respect to education.

We also look with some interest on the interrelationship that the minister is developing. We hope that in the new Education Administration Act, he will look at some kind of actual, perhaps, statutory approach to interrelationships between the Department of Education and other government departments.

We have already had the appalling spectacle of the Minister of Education (Mr. Derkach) indicating in this House that he had discussions with the Minister of Family Services (Mr. Gilleshammer) respecting students eligible for a High School Bursary program and then, subsequently, indicating he had not had those discussions. Cutting the student High School Bursary program, referring us, in the House, to the fact that students who were cut off can obtain assistance from the Department of Family Services, and the very same day the minister indicated that the Minister of Family Services was cutting a large portion of that program.

We are very concerned on this side of the House about the interrelationship between the various departments, and we urge the minister to consult with the Minister of Family Services to do something for these needy students. In addition, to at least live up to what he alluded to what he might do in an interview with the Winnipeg Free Press and that is reinstate the High School Bursary program to at least the adult students to allow the many of whom will not be able to attend school next year with August 23 being the date of registration for the Winnipeg Adult Education Centre.

Madam Deputy Speaker, we look in the new act for some kind of—we look for changes in this area. There are numerous areas that I wish to speak to,

but I know that there are many members in this House who wish to speak on this and other matters, and to that end I will conclude my comments and ask that the matter proceed to committee for review.

**Madam Deputy Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 41, on the proposed motion of the honourable Minister of Education (Mr. Derkach), The Public Schools Amendment Act (2). Is it the pleasure of the House to adopt the motion?

**Some Honourable Members:** Agreed.

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

#### **Bill 42—The Public Schools Finance Board Amendment Act**

**Madam Deputy Speaker:** To resume debate on the proposed motion of the honourable Minister of Education (Mr. Derkach), Bill 42, The Public Schools Finance Board Amendment Act (Loi modifiant la Loi sur la Commission des finances des écoles publiques), standing in the name of the honourable member for Flin Flon. Is there leave?

**An Honourable Member:** No leave.

**Mr. Jerry Storle (Flin Flon):** Madam Deputy Speaker, I held debate for my friend the member for Kildonan.

**Madam Deputy Speaker:** Leave has been denied.

**Mr. Dave Chomlak (Kildonan):** Madam Deputy Speaker, I will be the final speaker with respect to Bill 42, and after the conclusion of my comments, we will be asking that the matter go to committee for public review. Very briefly, again, the minister provided me with briefing notes. I thank him for that.

Basically, we do not have a great deal of disagreement with the changes as proposed in this particular bill. They are largely administrative as a result of recommendations of the public auditor. With those comments, I conclude my statements.

**Madam Deputy Speaker:** Order, please. Is the House ready for the question? The question before the House is second reading of Bill 42, on the proposed motion of the honourable Minister of Education (Mr. Derkach), The Public Schools Finance Board Amendment Act. Is it the pleasure of the House to adopt the motion?

**Some Honourable Members:** Agreed.

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

### **Bill 46—The Highway Traffic Amendment Act**

**Madam Deputy Speaker:** To resume debate on second reading of Bill 46 (The Highway Traffic Amendment Act; Loi modifiant le Code de la route) on the proposed motion of the honourable Minister of Transportation (Mr. Driedger), standing in the name of the honourable member for Transcona.

**Mr. Daryl Reid (Transcona):** Madam Deputy Speaker, I am pleased to stand up to add my comments on Bill 46. I believe that I will be the only speaker from this side of the House who will be adding my comments to the record, and after that, we will be pleased to pass this through to committee.

**An Honourable Member:** No, I was going to speak.

**Mr. Reid:** You are going to speak? Okay. There may be one other speaker, Madam Deputy Speaker.

This bill is basically a housekeeping bill, Madam Deputy Speaker, for The Highway Traffic Act. It allows the police to seize and impound vehicles for various offences which are contrary to the motor vehicle act, Section 225(1) and for violation of the Criminal Code, Section 259. This bill also gives police the power to, for safety and hardship reasons, allow the operator of a vehicle to proceed to a specified location before taking custody of the vehicle. While this is a good clause, it does not specify the time and date of the custody order nor the time and date of delivery to the specified location for the operator to turn over the vehicle to authorities.

This bill also states that police may apply to a justice for seizure and impoundment order. The question of the discretionary term "may" needs further clarification, I believe, Madam Deputy Speaker, and I will be raising this with the minister in committee.

There are opportunities that permit the quick release of vehicles by police, of a stolen vehicle to its owner or designate, prior to a court hearing taking place, after police confirm that it was indeed stolen. The unknown in this section is whether or not the owner must pay any compound costs, towing costs, et cetera before the release of the vehicle. I will also be raising that matter with the minister in committee.

\* (1550)

Sections of this bill will also allow the registrar of motor vehicles and the Crown to supply information to a justice in a hearing on seized or impounded vehicles. There is no area where the driver or owner of a seized or impounded vehicle may make representation to the justice hearing the case on this vehicle. I think that, where necessary, the owners or drivers should be given the opportunity to have some input into the process so that they can have their side of the case heard.

Proposed changes require that a seized or impounded vehicle registered to a person who has had his or her vehicle seized or impounded within the last two years and not revoked, the vehicle shall be impounded for a period of 60 days. I believe that the purpose of this section is for those who are caught driving with suspended licences or where there is a substance-abuse case involved.

We may remember the I-Team report of the repeat offender leaving court with a licence suspension and then getting into his car and driving away. This may be an appropriate penalty, as was proposed here for the initial seizure, but does not answer the question of where the repeat offender is involved. I ask the minister to have his department look into that as well because that is a serious concern, where repeat offenders, after being charged, can get into their vehicles and continue to drive as if they have had no restrictions on their licence.

The bill allows for a justice to hear evidence on any other vehicles seized or impounded within the last two years while owned by the driver in question. Other changes give the Justice Department the authorization to inform the owner, the garage keeper and the police of the impoundment of a vehicle subject to an order by justice to revoke the impoundment of that vehicle and shall not be released prior to 60 days. This clause does not specify the time period in which the interested parties are to be notified of the impoundment. Proposed amendment of 30 days by registered mail or face-to-face contact to the owner or the garage keeper would most likely be in order, and I will be proposing amendments in that nature in committee.

Built into this bill is the disposal of a stored, seized and impounded vehicle over 90 days. This allows the garage keeper to sell the vehicle upon determination that the vehicle market value is less than the garage keeper's lien. Garage keepers make determinations in these cases, then turn in the

plates and file papers with the Justice department. This section does not specify the method of determining the value of the vehicle. It could be recommended as an amendment that the dealers, in determining the value, could use the retail book value for these vehicles. That may be a possibility to spell out those amendments in regulations, if not in the act itself.

The other possibility is that a vehicle may be sold for liens costs and then the driver may be acquitted at a subsequent hearing or an appeal. The question is: Who pays the restitution or vehicle replacement? There are some opportunities that will allow the minister to indemnify, but I am unclear as to whether or not these cases, where the vehicle has actually been sold, the indemnifying aspect will also apply. The question is: Who will pay the restitution? Where there is a dispute, it could be recommended that a mediator or a justice determine the fair value at no cost to the owner involved. There is also a reference within the bill to the transfer of title to a garagekeeper while the registration is turned in. The refund of registration shall be applied to the costs or charges owing by the government.

By this bill, the minister is empowered to indemnify for wrongful seizure, as I mentioned a few moments ago. It specifies release but does not state the time for release, and I am not sure, possibly in the regulations we can build on a specified period of time that a vehicle could be released, so that the owner does not suffer anymore hardship as a result of the seizure, which obviously would not have been as a result of any of his doings.

There should be a waiver of fees or costs involved, but this act does not specify who pays for the garagekeeper in these cases, or who will pay a vehicle owner for any direct costs relating to the seizure where there is a dispute over the value, and does not specify what the appeal process is. I think that is where the mediator and justice should have a role.

There was also an allowance for the police to seize and impound a vehicle where it is suspected by the police that the operator was doing so contrary to Section 225(1) of the motor vehicle act, or contrary to Section 259 of the Criminal Code.

Other sections allow police to seize or impound the vehicles legally without an order of the justice, and the question I ask here is: Is there going to be the opportunity for police, when they seize a vehicle, to put forward valid criteria that will be known to the

owners of the vehicles that would be seized, and when does this information have to be supplied by the police? Will it be supplied at the time of seizure, or will it be supplied at some subsequent date?

There is also, at the end of the bill, a requirement that a report has to be filed with the Legislature every fiscal year, 60 days prior to the end of the year, in session, or within 15 days of the start of a new session. I think this will enable members to keep informed on the progress and success of this change to the act, and to make determinations on whether or not any future improvements would be required.

There is no intention, that I am aware of, that is known as to when this will be proclaimed into law. I think this is, as I said at the beginning, basically just a housekeeping bill, and there are some areas that need minor amendments or modifications, and that I think will improve the process of allowing the police and the registrar to fulfill their duties and responsibilities.

With that, Madam Deputy Speaker, I conclude my remarks and thank you for the opportunity.

**Mr. Neil Gaudry (St. Boniface):** Madam Deputy Speaker, I am pleased to have this opportunity to speak to Bill 46, The Highway Traffic Amendment Act. We can support this bill without taking undue offence, or risking profound compromise of party principles, because we have a lot of principles—we have a lot of principles compared to you, Gary. No, I will be nice to him today; it is the day that I am nice—on Wednesdays.

Madam Deputy Speaker, I am aware that drinking and driving charges laid by police in Manitoba are dropping. The minister was good enough to remind us of that when he introduced the bill on May 31, 1991. Nevertheless, I should point out that declining numbers of charges laid may be accounted for in a variety of ways. This may be due to strict legislation and its vigorous enforcement. On the other hand, it may be the result of fewer police officers, fewer roadblocks, higher liquor prices and so on.

I mention this for two reasons. First, this government, well intentioned, sincere and noble as it is, should demonstrate more discretion when it thumps itself on the back. The numbers quoted by the minister do not by any means speak for themselves.

Secondly, this government needs to be reminded that legislation itself, no matter how well drafted, will never solve problems of drinking and driving. In fact, probably the single most effective weapon in the fight against drinking and driving is education. Informing people about the facts and dangers regarding drinking and driving is a long-term solution which should be pursued. Nevertheless, Madam Deputy Speaker, the bill at hand will hopefully go some distance in making The Highway Traffic Act more effective.

We will watch to see that the discretionary powers granted to law enforcement officers regarding the impounding of vehicles serves the purpose which it intends to. Avoid undue hardship in remote areas and roads, we want no abuse of this provision. We also agree with the addition of a 60-day impoundment for repeat offenders.

Thus, we will concur with the Minister of Highways and Transportation (Mr. Driedger) and give our support for this bill. I will conclude with that, Madam Deputy Speaker.

\* (1600)

**Hon. Albert Driedger (Minister of Highways and Transportation):** Madam Deputy Speaker, in closing debate on Bill 46, I just want to indicate a few short comments.

First of all, this bill and the next two, when we are debating them, I want to indicate that the registrar is in the House and will be taking notes as well.

I want to indicate, I appreciate the comments of both members. The member for Transcona (Mr. Reid), the critic, indicated that he was proposing some amendments. I wonder if I might just request that, if he has amendments, if he could bring those forward prior to us getting into committee. That way, I could have staff have a look at them and see whether they are acceptable or not, and that might expedite things instead of getting into a debate in the committee stages. If there are, on this bill or the other bills, subsequent amendments that you are considering, if you forward them as soon as possible, then we will have a look at them and we can indicate whether they are acceptable or not.

With those comments, I would like to close the debate.

**Madam Deputy Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 46, on the proposed motion of the honourable Minister of Highways and

Transportation, The Highway Traffic Amendment Act. Is it the pleasure of the House to adopt the motion? Agreed?

**Some Honourable Members:** Agreed.

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

#### **Bill 47—The Highway Traffic Amendment and Consequential Amendments Act**

**Madam Deputy Speaker:** To resume debate on second reading of Bill 47, on the proposed motion of the honourable Minister of Highways and Transportation, The Highway Traffic Amendment and Consequential Amendments Act (Loi modifiant le Code de la route et d'autres dispositions législatives), standing in the name of the honourable member for Interlake (Mr. Clif Evans). Is there leave to leave it standing?

**An Honourable Member:** No.

**Madam Deputy Speaker:** No? Leave denied?

**Hon. Clayton Manness (Government House Leader):** We will deny leave, Madam Deputy Speaker. I am wondering if we, with the leave of the House, could call Bill 49. I know you have called Bill 47, but I am wondering if we could revert back to 49 and begin the process on 47 after 49 is dispensed.

**Madam Deputy Speaker:** Is that the will of the House?

**Some Honourable Members:** Agreed.

**Madam Deputy Speaker:** Okay.

#### **Bill 49—The Colleges and Consequential Amendments Act**

**Madam Deputy Speaker:** Bill 49, to resume debate on second reading of Bill 49, on the proposed motion of the honourable Minister of Education and Training (Mr. Derkach), The Colleges and Consequential Amendments Act (Loi sur les collèges et modifiant diverses dispositions législatives), standing in the name of the honourable member for Dauphin (Mr. Plohman). Is there leave to stand? Leave denied to stand? Leave denied.

**Mr. Jerry Storle (Flin Flon):** Madam Deputy Speaker, I do not think anyone here likes to see anyone denied the right to speak to some legislation. It is certainly unfortunate. I certainly do want to put my remarks on the record having to do with Bill 49.

We should actually rename this bill "The Demise of the Community Colleges in Manitoba Act"

because I can tell you without a minute's hesitation that the bottom line for our community colleges as a result of this legislation is going to be negative. It is going to have severe consequences for students and for the communities in the area. I want to spend some time discussing the history of the Conservative government's hypocrisy when it comes to education.

I want to start by going back to 1985. Madam Deputy Speaker, in 1985 the federal government, under the leadership of the now completely discredited Brian Mulroney, decided in its infinite stupidity to begin to dismantle what had worked for Canada for almost 20 years. The federal government of the day moved unilaterally to cut funding to our community colleges by way of what are called purchased spaces.

Madam Deputy Speaker, there had been a tradition within each of the provinces that CEIC, Canada Employment and Immigration Commission, purchased on behalf of the unemployed, the underemployed, immigrants, those wishing to better themselves, spaces in our community colleges. In 1985, the government decided unilaterally to discontinue that practice. It began by almost immediately cutting back by 40 percent the number of spaces it purchased in our community colleges.

I, the member for Brandon East (Mr. Leonard Evans), as well as ministers of education from across this country, protested that reduction. We recognized very quickly that it was going to drain literally millions of dollars away from the community colleges in the province of Manitoba. I believe in the first year of that program, some \$9 million was extracted from the community colleges.

Madam Deputy Speaker, the alternative that was proposed by the Conservative government of the day was the establishment of what was called the Canadian Jobs Strategy. The money which the federal government had been allocating to our community colleges—which incidentally, it needs to be said, were achieving a 91 percent success rate with its graduates—was now going to be available for training in the private sector. Market-driven training was the euphemism that many of the federal Tory ministers and some Tories in Manitoba were using.

Madam Deputy Speaker, what did that really mean? It meant that apprenticeship programs that were operating in the community colleges in Brandon and Red River were decimated, that, in

effect, they ultimately had to be cancelled or discontinued, that many other courses had to be discontinued at our community colleges.

For what, Madam Deputy Speaker? Well, we had some classic examples in the province of Manitoba. We had Eaton's training sales clerks under CJS sponsorship. We had companies taking government money to fund training programs they already had in place. The irony of what was done through 1985 to 1987 was the dismantling of the community colleges in favour of the kind of privatization of the education system that this government adopted as its agenda in 1988.

What happened? Well, we started drawing millions and millions of dollars out of the community college system, and they started funneling some of that money into private-sector training for what can only be termed low-skill jobs. There was very little long-term visionary kind of training being done in the private sector then, and if anything, there is even less being done right now.

Madam Deputy Speaker, we took a system which had served us for approximately 20 years, and we quickly began to dismantle it. In a period of six years now since the federal government began the Canadian Jobs Strategy in tandem with the decision to quit purchasing spaces at the community college, we have gone to a system now where this government wants to privatize the remaining community colleges, what remains of the community colleges, I should say, in the province of Manitoba.

Madam Deputy Speaker, why is this necessary? What is motivating this transition? If I was convinced for one minute that what was motivating it was a real interest in training the broadest number of people for the broadest number of occupations, then I would say maybe it is time.

What we are seeing is not a broadening of the number of courses that are available. What we are seeing is public money funneled to private corporations, in some cases very large corporations, to take over the responsibility of employee training that they already were undertaking or that the institutions were doing, according to national surveys, in a very effective way.

Madam Deputy Speaker, the fact of the matter is that these companies have their own interests at heart, and that is as it should be. Now we are putting public money, investing public money to

make sure that their interests are met, while we are disclaiming any responsibility for the broader societal good, the training of people to serve in other functions other than in industry which the community colleges have done for more than 20 years.

Madam Deputy Speaker, the thinking that went into the creation of these boards is very wrongheaded and simplistic. There is an assumption somehow that because we privatize the boards, because we—and I assume that the government, out of some perceived necessity, is going to limit or block fund these institutions. There is an assumption in the back of their minds, at least, and perhaps in the Minister of Education's mind, that the community colleges are going to be able, because of this new approach and the new flexibility that supposedly this new board will give them, that they are going to be able to attract private-sector dollars. That was a theory that was proposed by the federal government in 1985 when the federal government said the community colleges do not have to worry because what is going to happen is that the private sector will go to the community colleges and the community colleges will be providing the market-driven training.

\* (1610)

Madam Deputy Speaker, of course, what has happened is there has been a genuine, a very real decline in the actual dollars that are being spent on training and education in Canada, that in fact, what the government expected to happen did not happen. Even in provinces like Ontario, which has the highest per capita spaces of community colleges of any province in Canada, the actual number of training days has declined in Ontario since the introduction of the Canadian Job Strategy, that in fact what is happening is the federal government has consistently—and my colleague from Brandon can remember the figures—but they cut something like \$27 million. It used to be \$54 million provided to Manitoba in training and it dropped to a 39 percent cut, my colleague from Brandon says and I will accept his word. Literally tens of millions of dollars have now disappeared from the province for training purposes.

I ask, Madam Deputy Speaker, who does that serve? Does that serve the people who are lining up now waiting for two years to get into a course at Red River? Does it help those students in northern Manitoba who cannot get into a daycare course, or does it help any of those other students who want

to get into training areas like business administration where there are significant line-ups, no possibilities of immediate access or even quick access to the program because of the fact that the federal government has decided in effect to cut down on its training expenditure. This bill is going to create a board which undoubtedly will have more flexibility in some respects than the current community college system.

Madam Deputy Speaker, when I was Minister of Education I recognized that the community colleges were encumbered by a number of regulations of the general manual of administration, by our Treasury Board requirements and so forth. We did make provision for the community colleges to have funds available for both market-driven training and for items for resale for which there would be a return to the community colleges.

The dilemma the community colleges are now going to face is that the expectation that they can raise money outside the system in their communities, whether it is Brandon or The Pas or perhaps even Winnipeg, is extremely, in my view, naive. There are going to be no more dollars available than there have been in the past to accommodate the market-driven training that is already being given.

What is even more wrong-headed is the decision of this government or any other government to provide those training dollars to the private sector, because the private sector will not serve the needs of our community, either here or in Flin Flon or The Pas or Brandon or anywhere else, to train mental health workers, to train community health workers, to train health specialists of one kind or another or teaching assistants. They have no interest in the broader goals of society to have those people trained.

Where is the collective responsibility of the government of Manitoba to make sure that not only the needs of industry can be met through our community college system but the needs of our community at large? I do not think that is very much to ask of a government. If we think we are heading in that direction by creating independent community colleges with independent boards with block funding and this supposed more freedom, I believe we are going to be in for a rude awakening, for a shock which is going to send a lot of people hopefully back to the drawing board.

Madam Deputy Speaker, I want to now talk about some of the areas where the community colleges, these new independent mandated community colleges are going to run into some problems. I hope the Minister of Education and Training (Mr. Derkach) and his colleagues who are chuckling on the front bench, including the Minister of Finance (Mr. Manness), will recognize for a moment or at least take some time to contemplate what is going to be the result of these changes.

I want to begin by talking about the general powers of the board. The boards, in this case, independent boards, independent, of course, they will be appointed by the provincial government, but these independent boards are going to be allowed to do several things which are going to mean there is no more standard sort of community college system. -(interjection)- Well, Madam Deputy Speaker, if the Minister of Finance is under the illusion that somehow there is going to be some sort of consistency between our community colleges, he had better read this legislation, because in fact what this allows individual boards to do is establish admission criteria.

In other words, you may go to The Pas and they may say we want 300 Level Math for this course, and you can go to Assiniboine and they may say we want first-year university or we want two years experience. The fact is the criteria for admission may in fact over time become completely skewed for one reason or another, depending on the circumstances of the college and the interest of the board at a given time.

Madam Deputy Speaker, to go further, they can set their own tuition. We will have—and I will predict this, I do not see anyway around it for a board who want to maintain their operations. I predict that some boards where they think they have a monopoly, in essence where there are no alternatives for their students, are going to end up hiking a tuition fee. That in fact the tuition fees between our community colleges are now going to be established in a differential manner. There will be no consistency, and for those community colleges, particularly the one in Brandon, perhaps the one in The Pas, where they have access to very few other resources, there are very few other major employers who are going to purchase market-driven training. They are going to be the ones who are going to be asking to raise tuition fees the first.

So I am concerned because I can see in the long run tuition fees at KCC in The Pas where they have no other alternative, but also Brandon tuition fees increasing because of necessity, because the board will want to maintain a certain core program. They will say, well, the government said we are getting block funding, we cannot go to HBM&S or Inco and ask them to fund this dental health workers course, so we are going to have to hike tuition. Whereas in Winnipeg because of the larger number of students, perhaps more flexibility because of the size of the college, they can do something differently. So, Madam Deputy Speaker, we are going to have no consistency in the courses, no consistency in the admissions and no consistency in the tuition fees that are being charged. That is going to be the long-run consequences of where we are going.

Again, if you do not believe that is going to happen, then I ask you only to examine what has happened in Alberta and Saskatchewan where the same kind of system has been tried. Community colleges—the northeast community colleges in Prince Albert charge different fees than do some of the ones in Regina and Saskatoon.

Madam Deputy Speaker, of course, the board has other powers including the establishment of discipline and the right to levy fines and fees against students and, of course, to provide bursaries and support to students as well. You are going to see differential treatment of students again. The tragedy of this is we had a community college system that was recognized across the country as being an excellent system that had an absolutely outstanding record of employing its graduates. Some 91 percent ended up being employed in the area in which they were trained. Now we are going to a system which is going to be ad hoc, to say the least.

I cannot support this bill. I do not believe that the consultation, the background rationale for embarking on the independent community colleges in the way it has been undertaken, was done. I do not believe that the minister listened closely enough to the community college instructors and to those interest groups outside of the private industry who have something to say about the needs of their needs when it comes to training, and their interests are broader than simply the bottom line.

\* (1620)

Their interests are in providing services to the people of Manitoba. Their interests, in some cases,

are looking after mentally handicapped people in the province or people with physical or other disabilities or people with drug and alcohol problems. Those are the people that our community college was training, that under this system it is going to be difficult to foresee how they are going to maintain those courses unless, of course, we have a benevolent government, an enlightened government.

Certainly, from where I sit, Madam Deputy Speaker, I do not see very much sense of enlightenment across the way, not certainly when you consider that this government has cut back on bursaries to high school students, cut back on education as a second language funding, cut back on funding to universities, cut back on and closed—I have seen schools close across the province. I do not see any enlightened attitude when it comes to the needs of our province to educate our young people, our people, period. It does not give me much hope.

The bottom line is that this government can go ahead and introduce this legislation as it sees fit. There are some, I suppose, important questions that have to be raised about how this is going to impact on the people who teach at Red River Community College or Assiniboine Community College or Keewatin. There are some issues that need to be raised about how this will impact on their careers and their benefits, but we are going to deal with those as we go through the bill clause by clause.

Certainly, we believe the concept with respect to this bill is wrong. Certainly, the government has shown no inclination over the past three years to support the needs of post-secondary education, particularly when it comes to rural and northern Manitoba. Unfortunately, this gives the government of Manitoba a vehicle to abandon almost totally its responsibility for post-secondary and continuing education at the community college level.

That is not something that I can support as a Northerner, as someone who represents an area which is already underserved in education. It is not something that I am going to support, and I believe that the government—I hope the government will come to its senses and withdraw this bill until it has some time to study the long-term implications of what we are embarking upon. Thank you, Madam Deputy Speaker.

### Committee Changes

**Mr. Kevin Lamoureux (Inkster):** Madam Deputy Speaker, if I may have leave to make committee changes prior to—

**Madam Deputy Speaker:** Does the honourable member for Inkster have leave to announce some committee changes? Agreed? Agreed.

**Mr. Lamoureux:** I move, seconded by the member for Crescentwood (Mr. Carr), that the composition of the Standing Committee on Industrial Relations be amended as follows: St. James (Mr. Edwards) for The Maples (Mr. Cheema) for Friday, July 12, 1991, 1 p.m.

I move, seconded by the member for Crescentwood (Mr. Carr), that the composition of the Standing Committee on Industrial Relations be amended as follows: The Maples (Mr. Cheema) for Crescentwood (Mr. Carr) for Thursday, July 11, 1991, at 7 p.m.

I move, seconded by the member for Crescentwood (Mr. Carr), that the composition of the Standing Committee on Industrial Relations be amended as follows: Crescentwood (Mr. Carr) for Inkster (Mr. Lamoureux) for Thursday, July 11, 1991, at 10 a.m.

I move, seconded by the member for Crescentwood (Mr. Carr), that the composition of the Standing Committee on Industrial Relations be amended as follows: Inkster (Mr. Lamoureux) for St. James (Mr. Edwards) for Wednesday, July 10, 1991, at 8 p.m.

I move, seconded by the member for Crescentwood (Mr. Carr), that the composition of the Standing Committee on Law Amendments be amended as follows: River Heights (Mrs. Carstairs) for St. Boniface (Mr. Gaudry) for Thursday, July 11, 1991, at 7 p.m.

I move, seconded by the member for Crescentwood (Mr. Carr), that the composition of the Standing Committee on Law Amendments be amended as follows: Crescentwood (Mr. Carr) for The Maples (Mr. Cheema); St. Boniface (Mr. Gaudry) for Osborne (Mr. Alcock) for Wednesday, July 10, 1991, at 8 p.m.

\* \* \*

**Madam Deputy Speaker:** The honourable member for Inkster (Mr. Lamoureux) speaking to second reading of Bill 49.

**Mr. Lamoureux:** Madam Deputy Speaker, Bill 49 is one of those bills in which you can take a look at all three parties and you will find that there are three entirely different positions.

The Liberal Party believes that this is a move or a step backwards—

**An Honourable Member:** The right direction.

**Mr. Lamoureux:** No, the wrong direction, unfortunately. The right direction would probably be to follow the advice of the Liberal Party and I believe what most Manitobans would want, and that is, of course, the establishment of one board as opposed to three boards.

(Mr. Marcel Laurendeau, Acting Speaker, in the Chair)

We have the Conservative government, that wants to see three independent boards established that will cause no doubt some problems, several concerns. We have the New Democratic Party, which wants to keep tight reins on the community colleges and in fact have no boards.

We in the Liberal Party feel that it is very, very important that we do it in the right fashion, and that is, of course, to establish one board for all three of our community colleges. This way, Mr. Acting Speaker, we do not have the potential for the problems that this government is, in fact, creating. Some would argue, and I would probably be one of them, that the system that we currently have is better than what the government is moving us into. So we hope that the government will listen to the arguments and debates not only for second reading but also when we go into committees to deal possibly with this particular bill tomorrow evening.

We see that there are some problems, Mr. Acting Speaker, in that you will not see the same provincial standards, no provincial standards by connecting the three. They are not assured, if you will. We see that there is potential for admission requirements. Depending on the board, you could have different admission requirements. You could see different tuition fees being established, as the member for Flin Flon (Mr. Storie) had pointed out. There are numerous things that the individual boards could create or come up with in terms of regulations and policy that will have different levels of expertise through the different community clubs.

In fact, Mr. Acting Speaker, what you are doing is you are setting up potentially a system in which you will see a lot of competition for different programs

between the different community colleges which might not be in the betterment of all Manitobans, whereas if we had one board you could see the co-operation in the sense that you could have representatives from all three of the community colleges on that particular board. It is more of an organized approach to educating our young and older people.

So that is really what we would like to see, to encourage, in fact, that the government do reconsider some of their thoughts on this bill. We want it to go to committee to see what the government has to say, see if they have any possible amendments to the legislation. I did want to stand up just to say those very few words, because I feel very strongly as a young person that what you are doing to the community colleges in the long run will do more damage than good. In fact, as I said a few minutes ago, if you were to leave it as it currently is, even though it is not perfect, we believe that it could be changed, but at least it is better than the direction the current government wants to take it.

We have seen ideas adopted in the past. In fact, my colleague from Crescentwood (Mr. Carr) compared the community colleges to The Forks, North Portage, and three different organizations, Mr. Acting Speaker, and the government has now agreed with us. Like that, we would like to see them agree with us on this particular idea, not because it is a Liberal idea, but because it is a good idea, an idea that the government should be acting upon so that all of Manitoba will be better off and better served by having one board. Thank you very much.

\* (1630)

**Mr. Gary Doer (Leader of the Opposition):** Mr. Acting Speaker, I am pleased to stand on Bill 49. I always get a big kick out of my colleagues in the Chamber on these bills dealing with principles of bills. Well, the member for Pembina (Mr. Orchard) I got a big kick out of today, trying to explain to everybody in Manitoba that January was a summer extension in the Chamber.

However, Mr. Acting Speaker, I want to start with a comment made by the member for Inkster (Mr. Lamoureux) dealing with the federal policy, the Liberal policy on boards, one big board. They should know that an act of Parliament was passed in 1984-1985 requiring very strict financial controls on Crown corporations and other like agencies in government, and really did prohibit a proliferation of

a number of boards and really put a lot more tight financial controls on boards and agencies and Crown corporations in the federal public service. If we read the federal Treasury Act and if they ever meet with an auditor and ask what was happening before under the federal Liberals, they will find horror story after horror story after horror story—the required changes in legislation. So, when they come in with election promises, it is useful to do some research on those promises and look at the actual acts of Parliament that affect and impact upon those decisions.

(Mr. Speaker in the Chair)

When we are dealing with this bill, the college systems bill, I think we should talk and look at the criteria for making a decision as we are making in this Legislature, and try to look at some criteria that all of us could evaluate the decisions of the government.

I am going to suggest four criteria should be used in making a decision on this college governance act. One is the effect it will have on the pupils, instructors and the quality of education in our province. The second criteria should be—and particularly dealing with Conservatives now—will this open us up, to any greater or lesser degree, patronage on behalf of the provincial Conservative party? Thirdly, what will this decision be for the economy of the province of Manitoba and the economy that we all agree with has to continue to be relevant and continue to grow. Lastly, not lastly—but what is the long-term public effect?—because the public effect is different sometimes than just the effect of the students and instructors in the education system.

All of us have come at this decision from different perspectives therefore, and I would suggest that perhaps we are coming at different places on this bill because we may have used different criteria. The Liberals, I heard them talk about this bill as the wrong step backwards. I heard some of their comments about the bill, but I did not hear a criteria under which they would make a decision. One board is better than three boards, it seems to me, is where they are coming from.

Now, is the principle of the government in its decision to go to boards for the governance of community colleges the right decision or is it the wrong decision? Therefore, you should be able to make a decision about whether it is one board or three boards on the basis of the principle of the decision and the quality of that decision in terms of

the education system, the public and the economy of Manitoba.

So I know the Liberals try to find a middle position on all these issues, but to have a middle position on a fundamental principle of whether we are going to have boards to govern these colleges or whether we are going to maintain them as we have presently under the provincial system of government is a -(interjection)- Well, Mr. Speaker, you just advocated a different way for the decentralization of Child and Family Services, you talk about six boards. You are all over the map. I am just talking about the principle of the bill. So we would dismiss the Liberal position as an incremental disagreement but not a fundamental or principal disagreement on a bill based on the—and some people like incremental thinking, some people do not like incremental thinking, each to their own.

Now we come to the Tory position, Mr. Speaker, and I cannot understand the member for Lakeside (Mr. Enns), who was involved with a government and an administration, not looking back with the knowledge and the wisdom of the Duff Roblin government when actually they established the community colleges in this province. They looked at different models of governing the community colleges. They looked at the logic of the university systems and they looked at the logic of a more direct administered operation in education in government to the provincial government.

Mr. Speaker, they came to a conclusion that because the provincial government's taxpayer, and this Legislature which is responsible to the provincial taxpayers, would hold the majority of responsibility for raising the money and the majority of the accountability for spending that money, that we should not delegate that out into these sorts of bodies, these quasi independent, quasi not independent bodies, that we should have these bodies accountable to this Legislature. I would refer the member for Lakeside (Mr. Enns) to auditor reports in the 1970s that I recall, just going by memory. I have not done a lot of research on this issue in terms of past decisions, where the Provincial Auditor—and I am urging the member for Lakeside to vote with Duff Roblin, not to vote with Gary Filmon on this issue, because the Auditor said in report after report after report—I would refer this to Conservative members, particularly Conservative members who are new to this Legislature, and I

would refer this to the Minister of Finance (Mr. Manness).

The Provincial Auditor said in report after report after report that this Legislature has lost control over the spending decisions of almost two-thirds of the money raised in this Legislature is spent by other bodies in government. I wonder if the Minister of Finance has gone back to those earlier reports of the Auditor when he raises, or that office raises, serious concerns about the lack of financial linkage between this Legislature which raises the money and the taxes, and this Legislature which is responsible for how that tax money is spent?

The Provincial Auditor identified that many decisions of how the money would be spent were lost to this Legislature after we were responsible for raising that money. I think it was 1978 or 1979, in the Lyon era actually, where the Auditor identified, as I say, two-thirds of the money raised in this Legislature, the how-to in terms of its being spent, was determined by boards, agencies and other groups outside of this Legislature. -(interjection)- Well, Mr. Speaker, the Minister of Finance (Mr. Manness) raises some serious questions. You know, we have systems in place that were established centuries ago and since that time more and more responsibility, and I would say more and more accountability, lies in this Legislative Chamber for the money that is being raised.

Mr. Speaker, in the old days most of the money was not raised by this Legislature for many of these institutions, it was raised outside by community groups and other groups, and now we have a situation where universities, community colleges and in hospitals that it ranges from 70 percent to 100 percent of the money is raised by this Legislature, and I think that the Auditor's Report is worthy of notice by this government.

Mr. Speaker, the member for Flin Flon (Mr. Storie) has identified a number of concerns that we should have about the educational qualities in our community colleges. We have already seen the largest decimation of our community colleges under two Conservative governments. First of all, the federal Conservative government has reduced the number of spots radically, 37 percent, in the community college system, and I believe that the number of spots now, the funding for those spots under the federal system has gone down from a 50 percent ratio down to about a 35 percent ratio.

Mr. Speaker, the government has taken that money. Do they save us on the deficit? Do they save us any tax money? Were our taxes lowered? No, we got the GST. Was our deficit reduced? No, it is not. Has any public impact on that change taken place? No, it has not. That money was moved over, the '80 period, the 1985-86 period, '87 period. Money was moved from the public sector community college area over to private sector apprenticeship and training programs.

\* (1640)

Let me take a look at what that means for our education system. What it means for our education system is that corporations now are training people to get up to speed in an orientation program for that particular job that is in the private sector. So the public now is paying for a lot more orientation programs in the corporate sector, a job that the corporations used to do and should be expected to do.

The money that goes to train people to have skills, skills that go way beyond corporations, skills that go way beyond when a company closes down, that a person may have for life; that money has now been eroded from our community colleges. So the amount of money that we are spending to invest in skills for people that will go from company to company has been reduced, and the amount of money has been moved over by the federal Conservatives based on a huge business lobby.

The 150 corporations, the d'Aquino group, called very directly for this change. They have bragged about it since at their annual meetings. They have moved that money over, and now what we have seen is the public is paying for a corporate orientation program, and the public has lost their opportunity for community college skill development.

Secondly, we now see the provincial Conservative government, and really the philosophy and the right-wing ideology is very much the same in the community college decisions of this government. Last fall, the Minister of Finance (Mr. Manness) announced a \$7-million corporate tax break that would be allegedly moved over to corporations for so-called training.

Mr. Speaker, in this budget, the Minister of Finance—last budget he gave the community colleges a zero percent increase, as I recall. Post-secondary education programs for ACCESS actually went down. The government alleges that

was because of federal funding. In this budget, again we see a massive attack on the post-secondary education program, adult education, ACCESS education and community college education.

Now the question has to be asked of the Minister of Finance, because he asked this question in the House last night or the committee last night: Was there any saving on the budget, on the deficit the government is running? Seven million dollars was provided for corporations in terms of tax allowances for training, and \$3.5 million was taken out of the community colleges in this year's cutbacks.

If you add up all the money in post-secondary education, whether it was the bursary programs, the ACCESS programs and the community college programs, the over 100 instructors who lost their jobs; you will see very clearly, in my opinion, that the Tories have fallen to federal Tories ideology, their extreme ideology and their corporate community, and given that money over to the corporations. Mr. Speaker, I would challenge any Conservative opposite to provide us with the cost benefit of public money going into corporate training versus public money going into community colleges to invest in people in skills and training.

I would suggest that a person who had some experience in the private sector before, a Premier who ran this province rather well in the 1960s, did do a cost benefit analysis before he established, through his administration, the administration of the colleges. He chose at that point to establish a community college system that would be accountable to this Legislature and not a community college system that was accountable to some politically appointed board of directors and a community college system that got public support rather than siphoning that money off to the private sector.

Let no one in this House say for one moment that we are saving any money with these cutbacks to community colleges. We are moving that money over to corporate training allowances without any study whatsoever. The Minister of Finance (Mr. Manness) and the Minister of Education and Training (Mr. Derkach) cannot show us a study that will indicate that the 90 percent success ratio that we see in our community colleges now—a community college system, Mr. Speaker, that was set up by the Conservatives in the '60s and something that was maintained by Schreyer,

maintained by Lyon, maintained by Pawley, being dismantled by Filmon and his, I believe, very biased position on training. He came from a different milieu. We have no cost benefit study at all to change from that model.

I can tell you now, the community colleges—or the private training schools that cost a lot more, the Success/Anguses and some of these other schools that cost a lot more than the community colleges, are going into the Red River Community College and other systems and having receptions and you know wine and dine—I should not say wine. I take that back. I take that statement back—but having sort of ingratiating sessions and receptions with the students as they lure what were formerly people who were trained in the public service into a much more expensive system and much less cost-effective system.

Mr. Speaker, so it is not good education. Is it good—and I would ask the members of the Conservative Party. At the last Conservative convention in Alberta there was tremendous criticism from community college instructors on the chaos that has gone on in the education system, in the community college system in Alberta. Don Getty is now looking at the system he established two or three years ago, the same model the Conservatives are bringing in in Manitoba, because it is not becoming relevant to the economy and it is not relevant after three years to the students in those community colleges.

Just listen to their own colleagues in Alberta. You are using the same model, and I suggest to you, even under your own philosophy you may not be going in the right direction. I suggest you were going in the right direction in the 1960s.

Patronage, this government should be very careful about patronage, because they have denied the appointment of people at the University of Manitoba Board of Governors. So their record right now in terms of dealing with our education institutions in terms of post-secondary education is very negative.

We also know from Alberta that the people ultimately appointed to those boards of directors for those community colleges—there is a high degree and correlation of Conservatives on those boards. Initially, there were some meritorious appointments. There are meritorious Tories. There are meritorious Liberals. There are meritorious New Democrats.

Mr. Speaker, we differentiate, we do not believe all Tories are patronage appointments. I applauded the appointment of Justice Mercier to the bench. I applauded the appointment of Justice Mercier to be the chair of the Liquor Commission because I think he is a good person. I do not always agree with him and did not always agree with him, but obviously by definition not all Tories are patronage because the issue of merit should be the other criterion that should be considered. I suggest to members opposite that this, in the long run, will be another area where Tory patronage will be the predominant criterion and not merit, as it should be.

Thirdly, let us look at the economy, Mr. Speaker. We have found that the economy needs a changing work force and a changing training work force. When we look at the flexibility and adaptation in the community college system and compare that to the university system, you will find absolutely no comparison between courses that are dropped and instructors who have been redeployed and retrained to have other courses. You will find no comparison between the community college system and the universities.

The universities have been much, much slower to respond, in my opinion, to the changing economic challenges in our province and in our country. Mr. Speaker, we always have the argument of academic independence and the so-called independence from the provincial government in terms of making those decisions. I believe there should be independence of the universities, but there also should be relevance to the changing economy and relevance to the people, the 88 percent of the money that comes from this Legislature, to those decisions and those courses, because the bottom line is, we are responsible to make sure that our work force is trained and has the skills necessary to compete in a changing world and in the changing country.

We are accountable for that, and we are the ones who should be linking job opportunities in the future, jobs that will become available in the changing economy and the necessary needs for training and development. We are the ones because we are responsible for the job market and also the education system, and we are the ones who are supposed to link those two issues together through our planning and development.

Compare, Mr. Speaker. I was on the university board of governors for a few months. This is a very important issue, because I think you are making a

big mistake. I know the University of Manitoba board of governors, which I had some months dealing with, was never, in my opinion, dealing with the broader and longer-term issues of the kind of changing work force that was going to take place in our world and the necessary changes that had to be made in the curriculum and in the courses provided at that university, 88 percent paid for—it might be a lot lower now after the Tories' last couple of budgets—but a majority of it paid for by this Legislature.

\* (1650)

Mr. Speaker, you will find in countries like Japan and countries like West Germany, where their competitive nature is much higher, there is not only greater contribution in research and development by the private sector, there is not only more contribution for training and development by the private sector, but there is a lot more public say through the government in the training and development at the universities and community colleges in those countries than there is in Canada and North America.

In other words, governments recognize the need to make sure that you are going to have a round peg in a round hole, because the government is the one that is responsible for the changing and training work force. Sometimes those institutions that are concerned about perhaps more esoteric concepts may not be plugged into the changing nature of our economy and the need to change people in our work force.

Again, Mr. Speaker, I would challenge any Tory to show me the model they are going to—a university model has shown over the last 25 years, since the community college model came in under Duff Roblin, they will find that the community college model has adapted and changed and has been much more adaptable and flexible than the university system. In other words, the community colleges can prepare the microtechnologists, the microbiologists for a changing work force, for the changing microbiology that is necessary.

The community colleges have been able to train a lot of people to get involved in the aerospace industry. As our needs in the employment sector change, the community colleges have been a lot better to train people. I suggest to you that you cannot refute this. They have been a lot better at training people and getting people relevant. I do not believe that went before cabinet, the slow and

snail-like changing nature of universities under the governance system versus the much quicker system under the community college system that is in place now.

Lastly, Mr. Speaker, the public interest. The members opposite make an ideological decision without any study whatsoever. I guess we can expect that. Who are the members of the public and how will this impact them? It will impact us because we will not have a flexible and changing training environment in our community colleges to deal with our changing job situation. The 90 percent success ratio in the community colleges will be at risk with this change. You are not going to get it to 95 percent; you are not going to get it to 97 percent. Why are you giving us a system that is going to take us down in terms of percentage success? You have not any study to justify it whatsoever.

Mr. Speaker, what about tuition fees? All of our studies of Saskatchewan and Alberta have shown us that tuition fees have gone up in community colleges with the system that the Tories are implementing today. Tuition fees go up. So we suggest to you that this is just a continuation of a system of Conservative education philosophy, latter day 1980-1990 version Conservative, not the 1960 version—latter day Conservative philosophy that establishes one system of education for those who can afford it and takes away the opportunity for the majority of Manitobans to access their education system in a fair and equitable way.

When we get right down to it, this will drive people out of our public post-secondary education system, and we will not have the same trained work force that we had before, and we will not have the opportunity for people in our constituencies across Manitoba to access a very, very successful community college system.

Mr. Speaker, I wish the government would have had an in-depth study. They cannot produce the facts and figures in this Chamber; they cannot produce the facts and figures to the public. The Minister of Finance (Mr. Manness) bragged to us four or five years ago in opposition that they would have five-year budgeting. They cannot even provide a five-year budget and facts and figures on decisions that they are making right now. I do not know where the ministers were that hire people in Crown corporations, because if they look at the people they are hiring, they rely on those community

colleges, and they have relied on those community colleges to change and adapt.

I do not know where the Minister of Industry, Trade and Tourism (Mr. Stefanson) was. Is he making an ideological decision without any study, or does he have the facts and figures to back him up? Are we just doing this because of the political preference, the ideological preference, of the Premier? Does it make sense? Can they show us how this works? Can the Minister of Industry, Trade and Tourism honestly say the university system works better than the community college system in a more adaptable and more flexible work force? He cannot say that. I know he cannot.

Can he tell us—can any member opposite tell us that the university system has a 90 percent success ratio for hiring people in the province of Manitoba? They cannot produce those numbers, because they are not there. Can the members opposite show us, through the university governance system which they are moving to, the same percentage of people that stay in Manitoba? No, they cannot. Community colleges have had, under the existing governance system, a much higher success ratio of people staying in this province.

Mr. Speaker, the evidence is irrefutable. Keep the system the way it is. Keep it flexible, keep it innovative, change it as we need to for a changing economy, but do not go to a governance system that has not worked as well as the existing governance system in the public sector. Let us ensure our community colleges are not only relevant for our changing economy, but relevant for all members of the public to be able to attend community colleges just as those established by the Roblin Conservatives in the 60s and carried on by four other Premiers through the 70s and the 1980s.

This is a major, major degradation of our public education system and members opposite, if they had studied this issue, would have defeated it in cabinet when I asked them to listen to the points we had raised and defeated in this Chamber. Thank you very, very much.

**Mr. Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 49, The Colleges and Consequential Amendments Act; Loi sur les collèges et modifiant diverses dispositions législatives. Is it the pleasure of the House to adopt the motion?

**An Honourable Member:** No.

**Mr. Speaker:** Order, please. All those in favour of the motion will please say yea.

**Some Honourable Members:** Yea.

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

**Some Honourable Members:** Nay.

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

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

**Mr. Speaker:** Call in the members.

Order please. The question for the House is that Bill 49, The Colleges and Consequential Amendments Act; Loi sur les collèges et modifiant diverses dispositions législatives, be now read a second time.

All those in favour of the motion will please rise.

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

### Yeas

Dacquay, Downey, Driedger, Enns, Filmon, Findlay, Gilleshammer, Helwer, Laurendeau, Manness, McAlpine, McCrae, McIntosh, Mitchelson, Neufeld, Orchard, Penner, Praznik, Reimer, Render, Rose, Stefanson, Sveinson, Vodrey.

### Nays

Ashton, Barrett, Carr, Carstairs, Cheema, Chomiak, Dewar, Doer, Evans (Interlake), Evans (Brandon East), Friesen, Gaudry, Hickes, Lamoureux, Maloway, Martindale, Plohman, Reid, Santos, Storie, Wasylcia-Leis, Wowchuk.

**Mr. Clerk (William Remnant):** Yeas 24, Nays 22.

**Mr. Speaker:** I declare the motion carried.

\* \* \*

\* (1740)

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, we call Bills 47, 48 and 45.

### Bill 47—The Highway Traffic Amendment and Consequential Amendments Act

**Mr. Speaker:** On the proposed motion of the honourable Minister of Highways and Transportation (Mr. Driedger), Bill 47, The Highway Traffic Amendment and Consequential Amendments Act; Loi modifiant le Code de la route et d'autres dispositions législatives.

Is the House ready for the question? The question before the House is second reading of Bill 47.

**Mr. Daryl Reid (Transcona):** Mr. Speaker, I am pleased to be able to rise today to add my remarks to the record on this Bill 47, The Highway Traffic Amendment and Consequential Amendments Act. The Premier comments that I will empty the House with my comments today, and I guess it is much like the things that he said in this House that caused many of us to leave when he has spoken on certain bills.

This is a very important bill for the disabled people of this province, and there have been some previous discussions on this issue in this chamber back in the last year. The intent of this bill was to provide the legislation to require municipalities, including cities, towns and some villages throughout the province to pass bylaws that require motor vehicle parking spaces for the mobility disadvantaged people in the public and private parking lots throughout the province.

This Bill 47 also repeals Bill 88, The Physically Disabled Persons Parking Act, which was introduced in the 1990 session of the Legislature as a private members' bill, which was passed and was assented to on March 15 but did not see the light of day, Mr. Speaker.

The original bill was passed as a separate act while the current Bill 47 is to be incorporated under The Highway Traffic Act. The new statute will be administered by the Society of Manitobans with Disabilities, the SMD, who will be responsible for the issuance of a renewable parking permit while collecting the \$10 for three-year fee. There is also a replacement cost for lost permits. That replacement cost will be \$2.

This bill will allow the government, after two years, to discontinue the \$7,000 yearly grant to the SMD. Of course, that \$7,000 is a very meager amount and did not permit the SMD to continue all of their operations just based solely on that grant.

The approximate number of disabled people with permits in Manitoba, I am told, is approximately 10,000. This will mean, based on the new fees, an approximate return on revenue to the SMD on average of some \$33,000 per year, or \$100,000 over three years, since the permits will be issued for three years.

Only two permits will be issued to any one person. That, of course, I think is a good provision, Mr. Speaker. Temporarily disabled persons will be also entitled to receive permits enabling them to park in designated spots throughout the province. That will be based on their disabilities, temporary as they might be in nature.

The municipalities with 3,000 people or more would be empowered to pass bylaws making it an offence to park in a disabled persons parking spot without displaying a valid permit. Enforcement would be by police or the on-site security of the many shopping establishments throughout the province. These people would be given the special constable status that will enable them to do the ticketing that would be required for any vehicles not displaying the permits that would entitle them to park in these protected spots.

Municipalities would only be encouraged to pass bylaws to require parking lot owners to comply. I think this is one of the main failures in this particular piece of legislation. There is, I am sure, a lot of good will out in the communities in the province on the part of the private owners of these lots, but there are bound to be some that will not take part in this program. That would be unfortunate, because when the disabled people come to park in these establishments, they will not know that these spots will not be available to them. Then once they pull in, they are going to discover that they would not be available.

I would hope the government would do everything in their power to encourage the owners of private lots to take part in this program. The SMD, too, as the agency that will be empowered to issue the permits, will have some opportunity to do advertising on behalf of the disabled people.

There are some good spots to this bill. In general, the bill itself is good, and its need throughout the province is obvious. There are some serious flaws that we will attempt to address by way of amendments, and as I go through my comments here today, I will indicate the areas where I think that there should be amendments to this particular bill. These amendments will be as a result of several consultations with the people who were instrumental in pushing for this legislation. These people were neglected to be informed of the introduction or the contents of this bill, and I think that is unfortunate. Even though they sat in on the committee itself and provided assistance and guidance to the minister

and his department on this issue, it is unfortunate that they did not see the final product, the bill itself. I have assured these people, whom I have talked to, that when this does go through to committee stage, I will be contacting them and that they will be given the opportunity to come before committee and make their representation on behalf of their groups.

To start with, this bill does not have a definition to describe the physically disabled person, and to me that is a serious drawback because physical disabilities can take many forms. Physical disabilities can be in the sense of blindness or mentally handicapped people with attached physical problems, persons with amputations such as arms or portions thereof, persons with amputated legs or portions thereof. There is also the possibility that disabled people would be disabled as a result of disease and/or medical conditions such as heart attacks, strokes or whatever.

There should be amendments, and I will be proposing amendments in committee to include a definition of the physically disabled that would describe these disabilities in the sense of being mobility related, thereby requiring mobility aides of which the style and type may vary. This bill and its regulations will be tied to a self-declaration by individuals. It should ask if the person can walk with no difficulty for at least 50 metres. There are other jurisdictions in the country that have different requirements on the distance that the individual could walk across. I believe the one in Ontario is some 100 metres. We felt, after consultation—and I know that this was discussed in the committee with the minister's department—that 50 metres would be the more appropriate distance, and I concur with that distance.

The explanation of the bill's provisions states that the committee's decision was to not have a physician's certificate of disability before a parking permit could be issued. While this may work for the larger urban centres where previous permit entitlement may be researched and where the SMD was instrumental in issuing some of these permits, it may be difficult to research the rural areas to verify the legitimacy of disability of an individual, considering that the office for the SMD is located in Winnipeg and that this agency will be responsible for the issuance of all passes for the province of Manitoba and the disabled people who are living here. This system where we would not require a physician's certificate to indicate the type of

disability, whether permanent or temporary as well—

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

### House Business

**Hon. Clayton Manness (Government House Leader):** I apologize for interrupting the member. I wonder if I might have leave for 30 seconds to make an announcement with respect to House business.

**Mr. Speaker:** Does the honourable government House leader have leave?

**An Honourable Member:** Leave.

**Mr. Speaker:** Leave is agreed.

\* (1750)

**Mr. Manness:** Mr. Speaker, I am making announcements on committees. The committee tonight on Law Amendments will hear Bills 8, 12, 36, 52 and 60. The Standing Committee on Agriculture I called for tomorrow morning at 10 will now be cancelled, and further that Law Amendments committee is called for tomorrow night to deal with Bills 40, 41, 42 and 49.

**Mr. Speaker:** I would like to thank the honourable government House leader.

\* \* \*

**Mr. Reid:** Mr. Speaker, talking about the issuance of disabled persons' parking permits without a physician certification as to the disability, either permanent or temporary, of the individual, I find some difficulty with that in that it could, without the physician's certification or assurances, leave open the possibility that an unscrupulous person could apply for and receive a parking permit.

There are no provisions that I can detect in this bill that would permit sanctions to be applied to this type of an individual. I think that this would be a serious omission if we did not have some provisions in this bill that would provide the sanctions for that on the individuals who do park in these spots, because it is a serious nature for the disabled people when they go to park and they find that their spots are taken.

Also, I think that there is probably more room for discussion on the need to have some sort of verification as to the disabilities of those who are applying for the permits. There are many ways to work around that requirement and to make that assurance that these people are indeed entitled to

receive these parking permits based on their permanent mobility related disabilities. I will be discussing that further when we get into committee and possibly bringing forward amendments on that.

Mr. Speaker, the provisions that would allow for space designation and signage designation have been left up to the discretion of the Lieutenant-Governor-in-Council, who may make regulations affecting the fees, the permit forms and information, permit issuance and renewal, permit displaying, plus a blank cheque to the Lieutenant-Governor-in-Council to make any regulation necessary to carry out the intent and purpose of The Highway Traffic Act sections in this bill.

It is my understanding that the purpose and intent of this bill was to create a standardized, unified, disabled persons parking program for the province of Manitoba. By some of the things that I have seen in this bill here that are left up to discretion of the individual municipalities, it removes that standardization and uniform policy that would take place in the province of Manitoba. If I understand the bill correctly, the cities themselves would be obliged to implement these programs under this law, but there would be many municipalities that would be left out and would only under their own discretion be obliged to bring in any by-laws that would be in conjunction with this piece of legislation. Judging from the number of discretionary uses of the word "may" throughout the bill, the intent of this bill could be greatly watered down.

One section in the bill applies to the necessity of operators of motor vehicles with permits to pull over to the opposing flow of traffic on the road, to enter or egress from the vehicle. One addition that should be necessary here is the obligation of the vehicle operators when they do—I am not clear on this, and I will have to rely on the minister and his department to advise me on that further when in committee—is that these operators who do pull over onto the wrong side should be obliged to use the emergency warning devices and lights that are on the vehicles to warn the oncoming traffic to prevent any preventable accidents. Either when these vehicles are standing or parked on the wrong side of the road, they should be using these lights. In general, that section that permits the vehicles to pull over, I think, is a good section, and it is worth mentioning that it is.

In the discussions that I have had with the Winnipeg Transit people who operate the Handi-Transit system in the city of Winnipeg, of course, they are instrumental in moving a great number of disabled people through the city of Winnipeg. They have one particular location—I believe it is 210 Princess Street—that they have a great deal of difficulty getting to, to pick up and take to that location a disabled person who lives there.

This site is surrounded by one-way streets all the way around, and they have mentioned that until this particular section was going to come into being, they were not entitled to pull over to the wrong side of the street to unload. When I mentioned to them that this was in the act, they were quite happy to hear that they would have that opportunity to provide the full service to the disabled person who they were transporting.

Another section of this bill allows for a permit issued by a competent out-of-province authority to be recognized in Manitoba. Yet there is no time limitation on the recognition that I can detect in this bill. To give an example of that, if a person was to come to this province with a permit from another province and then decides to set up residence in this province, does this bill allow this permit issued under another jurisdiction to be recognized in perpetuity?

I do not see in here where there is any time limit. I am unaware if there are limitations on the permits issued by other jurisdictions or are some of them issued to that disabled person for the rest of their life? If that is the case, I think there has to be some amendment brought in that would spell out the expiration for these permits from other jurisdictions and that the issuance of a new Manitoba permit should take place in cases such as this.

On page 4 of the bill, it spells out false use of a permit, but at no time does it spell out penalties for those who have falsely used the permit. If an individual normally transports a disabled person who is a holder of a permit and then, on occasion, uses the permit for personal use, the permit holder loses the right to the permit and, thereby, the permit holder is penalized and not the abuser of that permit right. Also, no penalties are provided for this type of case.

One of the examples that was given to me was by the disabled people in the Canadian Paraplegic Association. If a grandson was transporting his grandmother and the grandmother was entitled to one of these permits and the grandmother left the

permit in the care and control of the grandson and after dropping the grandmother off at her destination, the grandson went and used that permit and pulled into a disabled person's parking spot and was caught doing so, the permit would be confiscated and held. Nothing would happen to the grandson but the grandmother would lose her permit opportunities.

So I think that there has to be some penalties put in here on the individuals who falsely use that. One of the recommendations that I can see that could come in here would be at least the use of Section 299.14, but I would much prefer to see a penalty approaching the \$100 mark that is in place in other jurisdictions. I am told that across the line in the U.S. in one of the major shopping centres in Grand Forks, they have a penalty in line there for parking in the spots of \$100. When you go to the province of Alberta, in the West Edmonton Mall they have penalties there of \$60 for people who park in these designated spots without the applicable permits.

With the regulations of size and space and signage left to the discretion of the Lieutenant-Governor-in-Council or designate, there is a problem with nonstandardization to meet the needs of the disabled people.

I recommend the use of a document entitled Access, a Guide for Architects and Designers. I believe the minister's department was in consultation with the committees that were involved in the drafting of this bill. That was discussed, and yet I do not see any mention to that particular document.

I have gone through the document itself. I believe it is a good document that would entitle the disabled people of the province to have the proper protection as far as the size of the parking lot spaces, the signage and the location of these spots and the numbers as well. So there are many provisions in that particular document. I ask the minister to consider using that as a guide for determining what the regulations are going to be at the minimum. If not at least that, maybe we can work this into the actual wording of the bill itself.

Another area is the protection of residential spaces of disabled person's parking spots or loading zones for the use of vehicles used in the transportation of disabled persons. This should be spelled out, I believe, in the bill itself, because there are cases in the residential areas of any city. I will use Winnipeg as an example because it is the one

I am most familiar with, where the Handi-Transit vehicles can pull up to a spot in front of a residential home. When they pull up, if there happens to be vehicles allowed to park on that side of the street, all of those spaces could be taken up and that vehicle would have a very difficult time trying to load or unload a disabled person.

I think in at least the law and/or maybe the regulations there should be some provision in there that allows for spaces to be designated by signage, that would allow these vehicles to pull in and load and unload the disabled person. The cities themselves or the municipalities could be responsible for posting these signages, and I think they should be empowered to do so on residential areas to protect these designated loading zones, also, the specific space size to accommodate the largest-known Handi-Transit vehicle in current use, or the disabled person's personal vehicle, where no driveway is available.

The sizes may vary based on the vehicles in use, but the largest known is in the service of the city of Winnipeg. At present, with the new vehicles they have just purchased—I am told the vehicle size is 23 feet—they have indicated to have a residential zone protected, they would need an area of approximately 33 to 35 feet. I indicate that so that there would be some consideration given to that size, even though many of the vehicles in use are somewhat smaller than that. Also, signs should be posted by the cities, the municipalities, or the towns that are going to be affected by this bill, Mr. Speaker.

The definition of the designated space leaves open room for parking lots, either public or private, to use pavement markings or signs, and I stress the word "signs." This will make it very difficult for unwary drivers to determine the protected parking

spaces in winter when the pavement-only markings are in use and could quite possibly be obscured by snow or other things that happen in our environment.

Pavement markings should be permitted only in conjunction with other traffic warning devices, such as posted signs or curb spots.

**Mr. Speaker:** Order, please. When this matter is again before the House, the honourable member for Transcona (Mr. Reid) will have 19 minutes remaining.

The hour being 6 p.m., this House is now adjourned and stands adjourned until 1:30 p.m. tomorrow (Thursday).

Order, please—prior to recessing the House.

### Committee Change

**Mr. Steve Ashton (Thompson):** Mr. Speaker, we just have one committee change for tonight.

**Mr. Speaker:** Order, please. Can we have leave just to revert for about a minute to allow the honourable member for Point Douglas (Mr. Hickes) with his committee changes. Yes? Leave is agreed. The honourable member for Point Douglas, with his committee changes.

**Mr. George Hickes (Point Douglas):** I move, seconded by the member for Broadway (Mr. Santos), that the composition of the Committee on Law Amendments be amended as follows: the member for Brandon East (Mr. Leonard Evans) for the member for Swan River (Ms. Wowchuk).

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

The hour being 6 p.m., this House now adjourns and stands adjourned until 1:30 p.m. tomorrow (Thursday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, July 10, 1991

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