



Third Session - Thirty-Fifth Legislature

of the

Legislative Assembly of Manitoba

DEBATES and PROCEEDINGS (HANSARD)

39-40 Elizabeth II

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

Members, Constituencies and Political Affiliation

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, April 10, 1992

The House met at 10 a.m.

PRAYERS

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Ms. Rosann Wowchuk (Swan River): Mr. Speaker, I beg to present the petition of J. Gordon Sr., Terry Vopni, Ben Betcher and others requesting the Minister of Housing (Mr. Ernst) consider reinstating local housing authorities with volunteer boards.

Mr. Doug Martindale (Burrows): Mr. Speaker, I beg to present the petition of Robert Santos, Jason Howell, Tara Provo and others requesting the government show its strong commitment to dealing with child abuse by considering restoring the Fight Back Against Child Abuse Campaign.

Ms. Jean Friesen (Wolseley): Mr. Speaker, I beg to present the petition of Christine Mazur, Shirley Brewer, Melvin Rempel and others requesting the government consider restoring the former full funding of \$700,000 to fight Dutch elm disease.

WHEREFORE your petitioners humbly pray that the Legislature of the Province of Manitoba may be pleased to request that the government of Manitoba show a strong commitment to deal with Child Abuse by considering restoring the Fight Back Against Child Abuse campaign.

* * *

I have reviewed the petition of the honourable member for St. Johns (Ms. Wasylcya-Leis), 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?

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

THAT the bail review provisions in the Criminal Code of Canada currently set out that accused offenders, including those suspected of conjugal or family violence, be released unless it can be proven that the individual is a danger to society at large or it is likely that the accused person will not reappear in court; and

The problem of conjugal and family violence is a matter of grave concern for all Canadians and requires a multifaceted approach to ensure that those at risk, particularly women and children, be protected from further harm.

WHEREFORE your petitioners humbly pray that the Legislature of the Province of Manitoba may be pleased to request that the Minister of Justice (Mr. McCrae) call upon the Parliament of Canada to amend the Criminal Code of Canada to permit the courts to prevent the release of individuals where it is shown that there is a substantial likelihood of further conjugal or family violence being perpetrated.

TABLING OF REPORTS

Hon. Rosemary Vodrey (Minister of Education and Training): Mr. Speaker, it is a pleasure to table the Annual Report of the Universities Grants Commission, 1990-91.

* (1005)

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

THAT child abuse is a crime abhorred by all good citizens of our society, but nonetheless it exists in today's world; and

It is the responsibility of the government to recognize and deal with this most vicious of crimes; and

Programs like the Fight Back Against Child Abuse campaign raise public awareness and necessary funds to deal with crime; and

The decision to terminate the Fight Back Against Child Abuse campaign will hamper the efforts of all good citizens to help abused children.

INTRODUCTION OF BILLS

BILL 75—The Health Services Insurance Amendment and Consequential Amendments Act

Hon. Donald Orchard (Minister of Health): Mr. Speaker, I would move, seconded by the Minister of Highways and Transportation (Mr. Driedger), that Bill 75, The Health Services Insurance Amendment and Consequential Amendments Act; Loi modifiant la Loi sur l'assurance-maladie et apportant des modifications corrélatives à d'autres lois, be introduced and that the same be now received and read a first time.

His Honour the Lieutenant-Governor, having been advised of the contents of this bill, recommends it to the House, and I would like to table the message, Sir.

Motion agreed to.

BILL 73—The Health Care Directives and Consequential Amendments Act

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 73, The Health Care Directives and Consequential Amendments Act (Loi sur les directives en matière de soins de santé et apportant des modifications corrélatives à d'autres lois), be introduced and that the same be now received and read a first time.

Motion agreed to.

BILL 74—The Law Society Amendment Act

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 74, The Law Society Amendment Act (Loi modifiant la Loi sur la Société du Barreau), be introduced and that the same be now received and read a first time.

Motion agreed to.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, may I direct the attention of honourable members to the gallery, where we have with us this morning from the Queen Elizabeth School twenty-six Grades 8 and 9 students, and they are under the direction of

Lorraine Arbez. This school is located in the constituency of the honourable member for St. Boniface (Mr. Gaudry).

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

ORAL QUESTION PERIOD

Economic Growth Employment Creation Strategy

Mr. Gary Doer (Leader of the Opposition): Mr. Speaker, the last couple of days, we have had some bad news in terms of the forecasts declining for Manitoba's growth rate in 1992. Unfortunately, today we have some more very, very negative news for the people of Manitoba and the province. We were a little bit teased last month because there were some positive changes in the unemployment statistics in terms of the unemployed going down from 55,000 to 52,000, although we were very, very saddened by the increase of the 8,000 people who had dropped out of the labour market.

Today, we have a situation where we have the highest number of unemployed people in the history of this province since the Great Depression of the 1930s; 59,000 people, Mr. Speaker, are out of work, unfortunately.

When you combine that with the 6,000 people who have literally given up and dropped out of our labour force from a year ago, we have some very, very serious challenges in terms of our economy. Winnipeg now has the second highest unemployment rate in Canada of all major cities—nine out of 11 rather, and has the highest unemployment rate right now in western Canada.

My question is to the Premier. What corrective action is his government going to take and what adjustments is his government going to make to deal with the 59,000 people who are unemployed, to deal with the thousands now who have given up looking for work and to deal with the thousands more who are going on social assistance?

Hon. Gary Filmon (Premier): Mr. Speaker, the prince of darkness is at it again. He has great glee in trying to paint everything as black as he possibly can. It does not help of course to make comparisons, to say that the unemployment rate in Manitoba was higher under the Howard Pawley NDP government of which the Leader—[interjection]

Yes, it was. It was 10.8 percent in November of 1982.

An Honourable Member: It is 11.2 now.

Mr. Filmon: No, we are talking Manitoba, not Winnipeg. It was higher in Manitoba, 10.8 percent, under Howard Pawley—[interjection]

Mr. Speaker: Order, please.

Mr. Filmon: On a seasonally adjusted basis, it was 10.8 percent versus 9.9 percent today.

The fact of the matter is, that does not help those who are unemployed. The only thing that will help people who are unemployed is for us to have in place economic policies that will correct and improve the situation.

Mr. Speaker, all you have to do is look at the forecasts of the Royal Bank and see that they are projecting for us, in 1993, to have the second highest growth rate in the country, and to see for us, in 1992, to have the fourth highest growth rate in the country.

Now, the reality is, Mr. Speaker, that none of us want to see the economic circumstances that we face, but the entire country is facing exactly those same circumstances. Ontario has record unemployment, 609,000 people unemployed in Ontario. That is 50,000 higher than it was in the worst time previously.

The fact of the matter is, the country as a whole is in recession. The world is in recession. North America is in recession. All of these things are not good, but when we look comparatively: a) we have the third best unemployment rate in the country; and b) the projections from the Royal Bank are that we will continue to be in the top half of provinces, fourth best this year in growth rate, second best next year in growth rate.

Those are the kinds of things that indicate that the policies we are pursuing and the economic framework that we have set forward are the way to go. Obviously, that is what the economic forecasters are saying.

* (1010)

Mr. Doer: Mr. Speaker, not one specific adjustment from the government to deal with the 59,000 people unemployed, the highest number since we have been maintaining statistics in this province, not one specific idea or action that the government will take to deal with the lowering of our growth rate, not any adjustments at all except the

same old drift from the Conservative Party in terms of the economy.

I have Hansard from 1990, 1991, from a couple of months ago talking about happy days are here again, just wait till next year. They sound like the B.C. Lions, just wait till next year, Mr. Speaker, everything is going to come out rosy, yet every month we see a deteriorating situation in the economy.

I would ask the Premier, what specific action is he and his Economic Committee of Cabinet—he chairs a committee now that is funded to some \$900,000 of taxpayers' money that is going to develop an economic strategy for Manitoba. Well, we have seen the results of that strategy, that million dollar committee that he chairs, to be dismal, Mr. Speaker.

He supported the Free Trade Agreement with the United States. He supported Brian Mulroney's economic strategy. It is resulting in disaster in Canada, but more importantly, the unemployment rate in Manitoba went up higher than the rest of country. The labour force went down in Manitoba. The people who are giving up are greater in Manitoba than in the rest of the country where the labour force has gone up.

What specific action is he going to take as Premier of Manitoba to get people working again and to give people some hope to stay in this province?

Mr. Filmon: Mr. Speaker, I can tell the Leader of the Opposition that we will not accept his NDP recipe for renewal which is referred to in the Royal Bank report that says that in Ontario, because of the huge deficits, debts and the higher taxes, they are in fact destroying the opportunity for recovery not only in Ontario, but elsewhere in the country because of the tremendous effect that this has right across the country.

They talk in fact about both NDP governments in Saskatchewan and Ontario, with their intention to raise taxes which is the NDP solution 10 times out of 10, being negative to opportunities for economic recovery in those particular provinces. Time and time again, the answer that is supplied by New Democrats is raise the taxes and raise the deficit.

We will not do that, Mr. Speaker. We will continue our policy of keeping taxes down, as we have for five straight budgets, to ensure that those people who want to invest in this province know that this investment is not going to be eroded by way of increased taxes.

We will ensure that the elderly in this province know that their incomes will not be eroded by higher taxes, as they are every time a New Democratic government comes into power.

We will ensure that young people in this province who are saving for their first home will not have their savings eroded by higher taxes, as is the recipe by every NDP government that has ever been in this province and that has ever been in this country.

No, Mr. Speaker, we will not raise taxes, and we will not destroy the opportunity for economic recovery that is being pointed to by the Royal Bank and other economic forecasters, thanks to our ability to keep the taxes down and keep the deficit down.

Mr. Doer: Mr. Speaker, I refer the Premier to the independent audited statements of Manitoba that show a \$55-million surplus in the '88-89 fiscal year and will show a \$530-million deficit in terms of this year, when we see the audited statements, not the rhetoric in this House from the Premier.

The Premier wants to talk about youth unemployment. If the Premier is doing such a great job of keeping people working and keeping youth in Manitoba, why are we suffering the greatest out-migration of any province on a per capita basis in Canada in the last quarter, and why, in the unemployment statistics today—[interjection] Oh, that is good news, is it? Why, in these unemployment statistics, has the youth unemployment gone up since February to March from 19.3 percent for men to 22.3 percent, and for women 13.4 percent to 14.7 percent. Is that the great results this government is providing for the youth of this province?

* (1015)

Mr. Filmon: Mr. Speaker, I will invite the Leader of the Opposition to look at the out-migration statistics. They have reduced 1990 versus 1989, and they reduced again 1991 versus 1990.

Mr. Speaker, the fact of the matter is, the answers that are provided by New Democrats are higher taxes time after time. The Leader of the Opposition gleefully talks about improving the budgetary situation during his term of office—yes, by adding over \$800 million of new taxes, additional taxes that they brought in. During the six and a half years of that NDP administration, personal income taxes increased by 139 percent—in six and a half years, personal income taxes, 139 percent. That is the answer that they have.

We will not burden the people of this province. We will not burden the businesses of this province with increased taxes to satisfy the political agenda of the NDP. No, Mr. Speaker, we will not.

North American Free Trade Agreement Information Tabling Request

Mr. Jerry Storle (Flin Flon): Mr. Speaker, the First Minister (Mr. Filmon) last week suggested that he was prepared to co-operate and provide members of the opposition with information on the impact of the free trade agreements on the Manitoba economy, and I guess my question is to the acting Minister of Industry, Trade and Tourism or to the First Minister.

Mr. Speaker, in light of the fact that 59,000 Manitobans are now unemployed, in light of the fact that Stats Canada reports that nonresidential investment in Manitoba had dropped 3.3 percent until March of 1992, can the First Minister indicate—first, will he now table any studies he had, sectoral studies, on the impact of the free trade agreements on the Manitoba economy, and can he explain how this statistic, the 3.3 percent decline in nonresidential investment, is going to create work for the 59,000 people who are now looking for work in Manitoba?

Hon. Gary Filmon (Premier): Mr. Speaker, the fact of the matter is, we are under review, as I have said on numerous occasions, of the proposals that are put forth by all three of the parties in the North American free trade agreement, that we have put forward very strongly our six major concerns that have to be dealt with, that the analysis has not been completed and given to the minister for discussion by cabinet, and until that happens, we will not have further discussion on the matter.

Mr. Storle: Well, then, is the First Minister contradicting what the Minister of Industry, Trade and Tourism (Mr. Stefanson) told this House earlier this week, that in fact the report from the department had been received by the minister?

Is the minister contradicting what his own minister said, and will we finally get to the truth of this and get some information about the impact of not only the North American free trade agreement, but the Free Trade Agreement, which is ruining the economy?

Mr. Filmon: Mr. Speaker, I will repeat for the information of the member for Flin Flon, cabinet has

not yet received any report or had any discussion on this.

Manufacturing Industry Employment Decline

Mr. Jerry Storle (Flin Flon): Mr. Speaker, if this is not a covert attempt at keeping information—

Mr. Speaker: Question, please.

Mr. Storle: Mr. Speaker, the manufacturing sector in the province of Manitoba has been amongst the hardest hit of sectors. We have seen a decline in employment in the manufacturing sector by approximately 12,000 people over the last two years.

Can the Acting Minister of Industry, Trade and Tourism or the First Minister tell this House what projections or what information the minister has on the trend to moving plants from Manitoba to the United States, the trend to closing plants, to rationalize plants to other parts of the world and its impact on the manufacturing employment in the province?

* (1020)

Hon. Gary Filmon (Premier): Mr. Speaker, according to the information in the labour force survey that was tabled by Statistics Canada today, there has not been a decrease in manufacturing jobs in Manitoba in the past year, despite the fact that, overall, at the national level, there has been a loss of 106,000 jobs or 5.9 percent. The indications, even in the Royal Bank analysis, are that manufacturing will be one of the stronger sectors for growth in Manitoba. They specifically refer to aerospace.

I know that the member for Flin Flon is not aware of the fact that there are many areas of the so-called new growth areas of technology—high technology, computers and various other areas, communications, medical products, two pharmaceutical plants being built in Manitoba at the present time, the areas of aerospace, which are seen to be one of the highest growth areas for the future of this province.

Those are the areas that are being pointed to as areas of opportunity, growth and development of new jobs and new technologies in this province. Those are the areas in which we are concentrating our efforts by way of economic development.

Youth Unemployment Government Strategy

Mrs. Sharon Carstairs (Leader of the Second Opposition): The unemployment statistics that came out today were really quite shocking and have to be of concern to all of us.

When this government came to office in May of 1988, 13.4 percent of the young people between the ages of 15 and 24 were unemployed. Today that statistic is 18.6 percent, an increase of 5.2 percent. For young men between the ages of 15 and 24, that statistic has increased to 22.3 percent, or a 9.1 percent increase. Almost one in four young men entering what should be a job market finds himself unable to find employment.

Can the First Minister tell us what specific strategies his economic secretariat is dealing with to deal with this excessively high unemployment rate for our young men and women in the province of Manitoba?

Hon. Gary Filmon (Premier): Mr. Speaker, certainly all of us are concerned about the employment levels for youth in this province, and as we approach the summer months where youth are looking for jobs in greater numbers, one of the things that was put forward in this year's budget is not only a maintenance of the level of funding for CareerStart, but a new program called Partners with Youth that will create hundreds and thousands of additional jobs for the youth of our province.

That, Mr. Speaker, will be our attempt to ensure that the youth of this province can participate in the economic recovery of this province and can participate in the opportunity for them to be able to be employed gainfully during the summer months and beyond.

Mrs. Carstairs: Mr. Speaker, the Premier knows full well that the money for Partners with Youth has come from other funding programs which were also supporting job programs for young people.

Can the First Minister tell this House today how many new jobs will be available for those young people as a result of his government initiatives, when he compares the jobs that were there with all the old programs with the jobs that, quite frankly, are going to be there in just a newly named program?

Mr. Filmon: I just want to correct the Leader of the Liberal Party. She has obviously not read the budget information accurately. It comes from a

brand new program called REDI, which is the money that comes out of the video lottery terminals, which is new money that has not been there in any other previous government programs.

That money is intended to create, in addition to the jobs that will be in CareerStart, will create about a thousand additional jobs, new money that has never been there in any other program.

* (1025)

Community Colleges Employment Training Initiatives

Mrs. Sharon Carstairs (Leader of the Second Opposition): Mr. Speaker, I would ask the Premier to go back and look at his own budget and look at the money they pulled out of northern programs for young people, they pulled out of skills training programs for young people, and I want to know what the bottom line is on the creation of brand new jobs. I cannot find any brand new jobs as a result of any of these initiatives.

Mr. Speaker, the alternative for young people, if they cannot find employment, is to continue their education and training. Can the Minister of Education and Training tell this House today, finally, how many new training positions will be available in this province in our community colleges for the academic year 1992-93—new, above and beyond what is there at the present time?

Hon. Rosemary Vodrey (Minister of Education and Training): Mr. Speaker, I would like to answer in two parts.

First of all, I would like to start by talking about the K-12 system and our commitment for young people so that those young people remain in school for their training, that we are supporting them through a foundation of education, and we have in fact also added a student support branch.

In addition, Mr. Speaker, as I have answered in this House previously, is over 600 new positions.

Social Assistance Employment Creation Strategy

Mr. Doug Martindale (Burrows): Mr. Speaker, two weeks ago I was given a tour of a City of Winnipeg welfare office. I was told that four to five new cases are being applied for every day. The caseload is up to 15,000 cases from 10,000 a year ago, an increase of over 50 percent. They are now paying mortgages for people of \$900 and \$1,000 a

month, people who have never been unemployed before in their lives and are shocked to find themselves, as employable adults, in a city welfare office.

What is the Tory solution to this? It is to spend \$40 million more this year than last year on social assistance. They are paying people to stay home instead of paying people to work.

I would like to ask the Premier what his government is doing to get people back to work instead of spending tens of millions of dollars more on additional social assistance.

Hon. Gary Filmon (Premier): To begin with, Mr. Speaker, rather than operating in a very facile way, as the member for Burrows is with the situation, we are showing our concern—

Point of Order

Mr. Martindale: There is absolutely nothing facile about my attitude toward my constituents on social assistance—

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

* * *

Mr. Filmon: Mr. Speaker, I will not apologize for putting more money into social allowances to ensure that those people—higher increases I might say than are being put in by NDP governments everywhere else in this country, because we recognize that people are in difficulty, that people do not want to be on social assistance, but while they are there, they deserve the support of a government that cares about them. We do indeed care about them, so we will make sure that they will get the support they need.

Mr. Speaker, we will not do what the New Democrats want to do which is that as soon as they are in a position to seek employment, tax it all away from them by raising their taxes and confiscating everything that they hope to earn to get themselves back on their feet. We will not raise the taxes of everybody in this province to do the short-term, make-work jobs that the NDP did when they were in office, that the Leader of the Opposition (Mr. Doer), when he was president of MGEA, called 'planting flowers along the roadsides' just to try and keep up the image of the NDP. We will not do that.

We will care for them when they need care, and we will build a stronger economy by keeping the

taxes down in this province and ensuring that there is an attractive place for investment. That is why the Royal Bank says that last year our growth rate was the third best in the country; this year it will be the fourth best; next year it will be the second best, because we are doing the right things, Mr. Speaker.

Mr. Martindale: Manitobans would rather work and pay taxes than sit home and collect social assistance and not pay any taxes.

Mr. Speaker: Question, please.

Dutch Elm Disease Program Funding Restoration

Mr. Doug Martindale (Burrows): Will the Premier commit himself to restoring the funding to the Dutch elm disease control program of \$350,000 which they cut out, so that employable people on City of Winnipeg social assistance and municipal social assistance in rural Manitoba can get back to work and make a meaningful contribution to society and the environment?

Hon. Harry Enns (Minister of Natural Resources): I have indicated to this House before that my forestry officials are currently reviewing the issue, and I have every intention of ensuring that the acceptable level of program is maintained.

* (1030)

Scientific Opinion Tabling Request

Hon. Harry Enns (Minister of Natural Resources): Mr. Speaker, while I am on my feet, the other day, the honourable member for Wolseley (Ms. Friesen), I believe, asked whether I could table any supporting professional information in that regard. I would like to table a document from the Chief Forester in my department, Mr. Richard Westwood, which indicates that the present level would maintain that 2 percent that we talked about the other day.

Nonetheless, Mr. Speaker, that is not quite good enough. The truth of the matter is we are losing trees, and it is important that we worry about replacing them. I promised that I would have a program available for consideration within a very short time.

It is not an urgency matter with us, because we are looking at a snowstorm right now, and we really cannot get at this until the latter part of May or June. It may be easy for a Free Press editorial writer to make these decisions in 10 minutes, but we regard

very carefully how an additional \$100,000 or \$200,000 or \$300,000 can be spent of the taxpayers' money.

Human Resources Opportunity Centre Funding Restoration

Mr. Doug Martindale (Burrows): Mr. Speaker, I would like to ask the Premier if he will commit himself to restoring funding for the Human Resources Opportunity Centre in Selkirk which trains social assistance recipients for employment, instead of increasing funding for social assistance which they have done and which they will probably have to do again halfway through the fiscal year.

Hon. Gary Filmon (Premier): See, Mr. Speaker, every question involves increasing spending or increasing taxes. Every New Democratic suggestion is increasing taxes, which will then drive more jobs out of this province, just as they did every time they raised the taxes when they were in government.

That is not the answer to all of our problems. It did not work under the New Democrats, and it will not work in the future.

Oak Hammock Marsh Ducks Unlimited Complex

Ms. Marianne Cerilli (Radisson): Mr. Speaker, earlier this week, the Environment minister accused the opposition of using misleading information when we called for the Oak Hammock Marsh office complex to be referred back to the Clean Environment Commission for a proper review.

I would like to ask the same minister if he will now concede that we were in fact using accurate information, since today, his own Manitoba Environment Council has condemned the project and asked that it be referred back to the same Clean Environment Commission.

Hon. Glen Cummings (Minister of Environment): Mr. Speaker, the member still incorrectly characterizes the figures that they are using. They are misleading and misrepresenting what is occurring under the conditions of the licence.

The soil that is being disturbed was sodded. The material will be returned to the surface with the original material. It was set up and approved under the scrutiny of the advisory committee of the Ducks Unlimited project which, in their comments, said that this was an exemplary way in which to proceed. I

wish that the member would take a look at those facts.

Ms. Cerilli: Mr. Speaker, the minister knows full well that the two most important reports, the Bovey Report and the Boothroyd Report, were mysteriously lost or not included before the Clean Environment Commission, and it is only now that those reports are available.

Based on that, will the minister now return this project back to the Clean Environment Commission so that those reports can be used?

Mr. Cummings: Mr. Speaker, I believe, if the member wants to check the records, that we made very clear to the decision-makers that the information provided in those reports was available to them, and they proceeded on that basis.

Ms. Cerilli: Mr. Speaker, I would like to ask the Minister of Environment if his department has done any studies in order to determine how wildlife in this area is being impacted, since they are also changing the licence to do heavy construction, contrary to the original licence, during the sensitive migration period.

Mr. Cummings: Mr. Speaker, there will not be activities taking place during sensitive migratory periods of activity in that area, and we are very carefully controlling the activities so that this protection is provided.

I think the member should recognize that one of the primary objectives that we need to do as a society is make sure that we have educational opportunities for upcoming generations to be able to view the activities and the importance of those activities, and that is exactly what this project will achieve.

Hazardous Waste Management Corp. PCB Storage Site

Mr. Paul Edwards (St. James): Mr. Speaker—

An Honourable Member: Oh, he is back.

An Honourable Member: They are glad to see you, at least.

Mr. Speaker: Order, please.

Mr. Edwards: I only wish I had been able to accompany the member for Rossmere (Mr. Neufeld), Mr. Speaker. I am sure he is having a better time than I did.

Mr. Speaker, my question is for the Minister of Environment. Early last month, the province

announced that the long awaited \$30-million Hazardous Waste Corporation facility would be built on a site in the R.M. of Montcalm.

Mr. Speaker, when one reviews all of the documents issued, not only by this government but by the corporation since 1982, since this process has been underway, it is clear that the facility is to be a comprehensive waste treatment facility—in the words of a February 27, 1991, press release—handling all products except dangerous goods, being radioactive and explosive materials. Everything else was to be handled in one facility.

My question for the minister is: Why is the Hazardous Waste Corporation now saying to the people of the R.M. of Montcalm in a letter to their local newspaper on March 23 of this year that PCB storage will not be done at the Montcalm site and further—and I quote from that letter from the corporation: as a result it may be necessary to duplicate a portion of our facility in another community, such as Winnipeg, to store PCBs.

Mr. Speaker, why has this government moved away from the one comprehensive site which has been their theory for 10 years?

Hon. Glen Cummings (Minister of Environment): Mr. Speaker, one of the most important aspects of the process that the Hazardous Waste Corporation has gone through is community consultation; first of all, to make sure that there was a community that was willing and anxious to be receptive to the location of a facility there. Part of that also led very directly to an understanding between the corporation and any community—and this is not unusual from the type of discussions that occurred in other locations as well—that had some input into what the operation of the facility, what form it might take.

It is correct to say that at this juncture, PCBs are not contemplated to be stored at that facility, but the community, through its input into the management of the corporation, will have an ongoing opportunity to review what occurs there. That is a condition that the corporation is prepared to live with, has the capacity to work with because, frankly, as PCBs are phased out, there is a lack of demand for increasing storage capacity.

Mr. Speaker, the agreement that the corporation is working toward is one that the community is fully in understanding and co-operation with, and it is prepared to continue to discuss those types of

operational matters and will not be a problem for the corporation.

Mr. Edwards: Mr. Speaker, that is an about-face after 10 years of an assumption of there being one facility. My question for the minister is: Given that the manager of external affairs has said the site will be in Winnipeg, can the minister tell the House exactly where in Winnipeg the Hazardous Waste Corporation intends to store the PCBs, and how much of the 108 metric tonnes per year produced in this province will be stored in the city and at what site?

Mr. Cummings: Mr. Speaker, I think the member perhaps is either wanting to or is attempting to read more into that comment than what was intended. There is in fact PCB storage today managed by Manitoba Hydro. They are the largest holder of that product.

This is not a deviation from the plan of the corporation, because particularly, Mr. Speaker, this is to my knowledge the only hazardous waste treatment facility in North America that has been voluntarily sited, with the co-operation of the community, and has the support of the community to see that it is operated carefully and managed in the best interests of the public of this province.

* (1040)

Mr. Edwards: Mr. Speaker, I understand the goal of community support, but can the minister tell members of this House why after 10 years, the assumption being that there would be one site, one total facility, which made eminent sense to everyone and was always in all of the documents the assumption, why this government has moved from that position and why they are now exempting PCBs, only PCBs, from that theory, and where in the city they plan to put the PCBs?

Mr. Cummings: Mr. Speaker, I suspect the member is leading in a direction that he does not intend to because his remarks seem to indicate that he supports a single monopolistic operation within the province; either that or he misunderstands the mandate of the corporation.

This is a treatment facility. It will not at this point contain any incineration capacity. It is a facility that will treat the majority of the waste produced in this province, but not all. That is known because we are a small province which simply does not have the capacity to be able to deal with every known waste

that needs to be neutralized, destroyed or otherwise.

The other thing that I think needs to be made very clear is that this facility will not be operated in the manner of the Alberta hazardous waste system, where there is in fact a great deal of storage going on. This will be a facility which will take material that it can treat and neutralize. It will also be an operation that will help to find a home for the other material that it cannot handle.

Chinese Cooking Wine Sale Restrictions

Mr. George Hickes (Point Douglas): Mr. Speaker, my question is to the Minister responsible for the Liquor Control Commission.

I will table the Alberta legislation from 1989 that deals with Chinese cooking wine for the minister's benefit. John Rodgers from the Main Street Project believes their agency has seen nine deaths, not three, but nine, related to the Chinese cooking wine in the past year alone.

Six months ago, the Attorney General (Mr. McCrae) promised changes to the legislation to address the issue of abuse of Chinese cooking wine. Why is the minister only now undertaking the tests and studies to take this step?

Hon. Linda McIntosh (Minister charged with the administration of The Liquor Control Act): Mr. Speaker, the committee upon which we sit is a coalition committee. John Rodgers in fact is on that committee, and his contributions are very valuable. He is very interested in the topic and terribly concerned, as are we and as are all of those who care about substance abuse in society.

The Liquor Commission has been asked through that committee to test some of the brands of the cooking wines that are on the shelves, and we are in the process of doing that. We hope to hear back later this month as to whether or not they will be scientifically deemed to be potable substances.

If they are potable substances, then they could come under the control of the Liquor Commission. If they are not, then some other means of controlling them, if that is felt to be the solution, would have to be devised and may include a needed change in definition to the act.

Mr. Hickes: Mr. Speaker, this issue was raised six months ago, and now only today they are conducting these tests. The minister was aware of

it six months ago. I would like to ask the minister to table the results of past studies and tests before she hires more consultants to do more tests.

My supplementary question is to the same minister. Will she now listen to calls from the community, echoed by CJOB, which said, Mrs. McIntosh should sign the banning order today and take action now based on the success of the Alberta legislation?

Mrs. McIntosh: Mr. Speaker, I should indicate that the committee that is sitting is a volunteer committee. We did not hire them as consultants. The testing laboratories we are using are quality control people whom we use for testing a variety of spirits to ascertain their purity.

I should also indicate that I would love to be able to solve all the problems of the world today, right now this minute. Would we all not? I cannot, however—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please.

Mrs. McIntosh: I am sure they would like to hear the answer, Mr. Speaker, so I will wait until they are listening.

Mr. Speaker, I cannot sign a banning order because the act, as I have explained to the member earlier, in Manitoba, we look after potable beverages at the Liquor Control Commission. I cannot sign a banning order dealing with something that is classified at the moment to be nonpotable. That is why we are having it examined to find out if in fact we can have scientific evidence that would prove it to be something other than nonpotable.

Mr. Hickes: Mr. Speaker, this was raised six months ago.

Mr. Speaker: Question, please.

Mr. Hickes: She could have been working on those amendments six months ago. How many more deaths are we going to see?

Solvent Abuse Legislation Proclamation

Mr. George Hickes (Point Douglas): My final question is to the Minister of Health.

Will he, in light of his colleague's comments that his government wants to fight nonbeverage alcohol substance abuse, respond to the wishes of Manitobans and finally proclaim the antisolvent abuse legislation introduced by the member for St.

Johns (Ms. Wasylcya-Leis) well over two years ago?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, I can add no further clarity than I did when posed the similar question yesterday.

Mr. Speaker: Time for Oral Questions has expired.

Nonpolitical Statements

Hon. Bonnie Mitchellson (Minister of Culture, Heritage and Citizenship): Mr. Speaker, might I have leave to make a nonpolitical statement?

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

Mrs. Mitchellson: The week of April 12 to 18 is National Citizenship Week. This week has been celebrated since 1988 to mark the signing of the Canadian Charter of Rights. It is our opportunity each year to reflect on Canadian citizenship and how precious it is to us.

In Canada, our citizenship guarantees us rights and privileges that are unheard of in other countries. One of the most important of these freedoms is our right to express our opinions, and we frequently use this Chamber to do just that. We do it with the understanding that others have equal right to express theirs.

I often meet people from other countries where such freedom is unheard of, where walking down a street is an act of bravery, where speaking for an idea would mean death. This freedom has always been one of Canada's most desirable attributes, attracting millions from around the world in their search for freedom and opportunity. It has helped make Canada one of the few truly international or multicultural countries of the world. Nowhere in Canada is this international flavour better evidenced than right here in Manitoba.

As the composition of our community evolves and changes, we are learning to respect the cultural heritage that our new citizens bring to Manitoba. We are learning to weave it into a new Manitoba heritage. It means we face a great challenge. It means respecting what each of us brings to Manitoba and acknowledging that in this developing country all these heritages have value.

We seldom take the time to really consider the true richness that our country offers. I hope that all of us will take some time next week to do just that.

consider the importance of our citizenship, the rights that we enjoy and the privileges that make us a truly noble country.

Thank you, Mr. Speaker.

* * *

Mrs. Sharon Carstairs (Leader of the Second Opposition): Could I have leave for a nonpolitical statement?

Mr. Speaker: Does the honourable Leader have leave? Leave. It is agreed.

Mrs. Carstairs: Mr. Speaker, tomorrow is a very momentous occasion for one member of the Manitoba Legislature. After 43 years of managing to escape the marital bliss that some of the rest of us have experienced, tomorrow at 11 a.m. the member for Osborne (Mr. Alcock) will indeed be married to Karen Taraska.

Mr. Speaker, there was a roast with respect to the honourable member on Wednesday. Unfortunately, I was not able to be there. I did give him several pieces of advice, one of which I think will make sense to many of you. I did suggest that if he did not want to offend his mother-in-law in perpetuity, he should arrive on time for the ceremony, and that meant at 11 a.m. and not 11:15 or 11:30.

I also suggested that it was perhaps in his best interest not to take his computers with him to the service, whether it was the large one, whether it was the small PC, or whether it was in fact the calendar. We have gotten quite used to them all in our caucus room, but we did not think, again, that his mother-in-law would be particularly impressed with those at the marital service itself.[interjection]

I hope she is not, but I did make a recommendation—for the member for Pembina (Mr. Orchard)—that he not take the computers on his honeymoon. I did say to the bride that I thought there was a limit to the control and power that this Leader had. I did suggest that there were certain places on the honeymoon, however, that it should not go.

* (1050)

Mr. Speaker, with all humour aside, the member for Osborne is indeed entering a state tomorrow that, for me, has been the most important thing in my entire life. My marriage represents the most important thing to me, bar none, and I can only wish

for the member for Osborne the same happiness and joy, friendship, companionship and love that marriage has brought to me. I am sure that this is the wish of each and every member of this Assembly.

ORDERS OF THE DAY

Hon. Clayton Manness (Government House Leader): Mr. Speaker, would you call second readings, Bills 68 and 72, and then adjourned debate, Bill 45.

SECOND READINGS

BILL 68—The Public Trustee Amendment, Trustee Amendment and Child and Family Services Amendment Act

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 68, The Public Trustee Amendment, Trustee Amendment and Child and Family Services Amendment Act (Loi modifiant la Loi sur le curateur public, la Loi sur les fiduciaires et la Loi sur les services à l'enfant à la famille), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. McCrae: Mr. Speaker, this is a small omnibus bill which, through amendments to The Public Trustee Act, The Trustee Act and The Child and Family Services Act, is intended to improve the functioning of the office of the Public Trustee. In most cases, these amendments are important for the proper functioning of the Public Trustee's office, but they do not signify any change in policy.

Several scattered sections in The Public Trustee Act are amended by this bill. We propose to delete Section 7 and have The Manitoba Public Insurance Corporation Act govern payments on behalf of infants or mentally disordered persons. The current legislation requires these payments while The MPIC Act says simply that these payments may be made by the Public Trustee. For legal and administrative purposes, the permissive provisions in The MPIC Act are preferable and all that are needed.

We are proposing to eliminate potential liability of the office of the Public Trustee concerning proceedings such as mortgage sales, agreements for sales, tax sale certificates or applications,

transmissions or caveats under The Real Property Act when they deal with estates. At present, parties with proceedings pending or about to be initiated may serve the Public Trustee as litigation administrator where there has been no administrator appointed. Although most such proceedings concern property with very little equity, the Public Trustee could become liable for failing to try to realize any equity in the property. We think the present Section 4 of the act could impose such an obligation, so amendment to this part of the section would limit the requirement on the Public Trustee and thereby reduce such liability.

When the Public Trustee administers estates, current practice is that the office takes interim compensation for its work from time to time before the final accounts are passed by the Court of Queen's Bench. However, this practice is not consistent with the common law. Consequently, we are proposing to regularize this procedure through amendment to Section 14(1). This will allow the Public Trustee to be paid as and when work is completed. The amendment will not in any way change the obligation of the Public Trustee's office to have their accounts approved by the court, nor does it give any additional powers to private trustees.

One of the functions of the office of the Public Trustee is to act in legal proceedings for the clients or estates whose affairs it is administering. However, The Public Trustee Act is unclear with respect to awarding costs to the office in successful proceedings, and the office also faces legal costs in cases where an unsuccessful defence has been made. We are proposing amendments to clarify both situations.

A new subsection to Section 14 is proposed to make it clear that the courts may award costs to the Public Trustee in any case taken by or against the office where the office is successful. In addition, we are proposing a second new subsection. This would have the plaintiff pay the Public Trustee's costs in cases where the Public Trustee is obliged by law to defend as litigation guardian or litigation administrator and has acted reasonably or in good faith on behalf of a defendant, but has been unsuccessful.

We believe this new provision is reasonable. First, a case could not be pursued against a client of the Public Trustee, a minor, an unadministered estate or a mentally disordered person, if the Public

Trustee's office was not obliged, as it is now by law or court order, to defend the client's interests. In such cases where the Public Trustee is an office of convenience for the plaintiffs, the plaintiffs should be prepared to pay the Public Trustee's costs.

Second, the amendment will allow plaintiffs in such cases to add the Public Trustee's costs to their own and to then pursue the person who is the subject of the claim. This amendment will also bring Section 14 in line with Section 4(8) in cases where the office of the Public Trustee must act in its capacity as official administrator. A housekeeping amendment embodying consistency with practice is proposed with respect to delegating the Public Trustee's authority to people outside the office.

At present, the Public Trustee's office delegates day-to-day personal supervision of clients to staff of other government departments, mainly Health and Family Services. The office is unable to provide such supervision, but has no legal authority to delegate it. An amendment to Section 18(1) would give this power and remove the risk of greater costs and legal difficulties.

This completes the amendments to The Public Trustee Act, Mr. Speaker. The bill also amends The Trustee Act and The Child and Family Services Act. In The Trustee Act, we are proposing to delete the requirement that trust corporations pass their accounts with respect to common funds at least every three years. This would remove the requirement that the Public Trustee and the director appointed under The Corporations Act be served with the passing of accounts. Trust corporations will be required to publish a notification to beneficiaries of the passing of accounts.

This amendment is proposed because no purpose is served by the current requirement of involving the director or the Public Trustee in this matter. Moreover, neither the director nor the Public Trustee has enough resources to adequately review the accounts of common trust funds or the annual audits. The present section appears to protect beneficiaries, but in fact they are not being protected.

We propose to change regulations under The Trustee Act to institute some degree of protection for beneficiaries. Trust companies would be required to have the accounts of their common fund audited annually by an independent auditor. They would also be required to publish notification in a

local newspaper when the accounts of the trust fund are being passed.

Before drafting this amendment, we reviewed legislation in other provinces. Alberta, B.C., Ontario, Quebec and Saskatchewan have no requirements similar to Manitoba's, and only Ontario and Alberta make it possible to require that trust corporations pass their accounts. There is no federal requirement in this regard since trust legislation is a provincial responsibility. The final amendment would enlarge provisions for counsel for children in court proceedings under The Child and Family Services Act.

At present, a judge or a master may order that legal counsel be appointed to represent the interests of a child or may order that a child 12 or older have the right to instruct legal counsel. This section appears to limit this judicial discretion to children who are the subject of the case and sometimes, as in the case of underage parents, children are also parties to the proceedings, and this gives rise to conflicting rights.

If Child and Family Services seeks to have such children placed under an order of the court, as subjects they can instruct counsel; as parties they cannot. As a result, the Public Trustee is called in as litigation guardian.

The proposed amendment would allow a minor parent of a child who is the subject of proceedings to retain and instruct counsel. It would also remove the need to automatically draw in the Public Trustee in these cases.

With these remarks, I conclude the introduction of this Bill for second reading. Thank you, Mr. Speaker.

Mr. Dave Chomlak (Kildonan): Mr. Speaker, I move, seconded by the member for Elmwood (Mr. Maloway), that debate on Bill 68, The Public Trustee Amendment Act, be adjourned.

Motion agreed to.

BILL 72—The Law Reform (Miscellaneous Amendments) Act

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 72, The Law Reform (Miscellaneous Amendments) Act (Loi sur la réforme du droit (modifications diverses)), be now

read a second time and be referred to a committee of this House.

Motion presented.

* (1100)

Mr. McCrae: Mr. Speaker, through this bill we are in one piece of legislation implementing a number of recommendations from reports submitted by the Manitoba Law Reform Commission.

We are proposing the repeal of The Bulk Sales Act as recommended by the Law Reform Commission in 1989. This act purports to protect creditors from business people selling off their inventory and running off without paying their debts. However, the act does not achieve its aims, is outdated and ineffective, and is widely ignored by lawyers and business people.

In addition, developments since the act was introduced more than 80 years ago, such as improved credit reporting and other remedial laws, have eliminated the need for the act. British Columbia repealed its act in 1983 with no adverse consequence.

Among the consequential amendments, we are moving the definition of bulk sales into The Retail Sales Tax Act and The Workers Compensation Act.

In The Law of Property Act, we are changing liability provisions covering the legal term "waste" referring to damage done to property as they apply to life tenants and tenants for fixed terms. There are two kinds of damage in this context: permissive—referring to damage the tenant allows to happen; and equitable—involving more malicious acts.

Generally, life tenants are liable for equitable waste. However, at present The Law of Property Act is not clear in this regard as it should be.

The proposed new Section 12 would clarify the liability of life tenants for malicious damage and would bring Manitoba law in line with that of every other province with legislation on this subject.

At present, tenants for a fixed term are liable for permissive waste, but not tenants for life. There is no reason for this distinction, and the proposed Section 13 would end it. This section would apply only where a relevant lease does not cover a tenant's responsibility for maintenance.

We are also proposing abolition of an oddity in common law known as the Rule in Shelley's Case, which is part of Manitoba law only because we

adopted English law in 1870. It is a rule of interpretation and applies where in a will, land is conveyed to one person for life, but title then goes to his or her heirs.

The Rule in Shelley's Case causes the opposite to happen; the first person gets title. The rule has been abolished in many other jurisdictions, including England, and should be repealed as it is poorly understood and lays traps for unwary drafters of wills.

We are proposing new provisions for The Mercantile Law Amendment Act to clarify certain arrangements for settling debts. At common law, agreements for settling debts by paying less than originally owed were not binding because there was no consideration i.e., an exchange of value between the parties.

The Mercantile Law Amendment Act makes these agreements binding. The proposed amendments clarify the method of doing so. They also allow a court to decide that an obligation should not be considered extinguished by part payment where it would be unconscionable to do so.

We are moving repeal of The 1936 Wages Recovery Act because it has been overtaken by more adequate and effective legislation, notably The Payment of Wages Act, The Employment Standards Act, The Vacations with Pay Act, and The Construction Industry Wages Act. Those provisions of The Wages Recovery Act that are not covered elsewhere are either outdated or of very limited use.

The final act on our list in this bill is The Liquor Control Act in which we are proposing repeal of Section 183. This imposes liability on an innkeeper who continues to serve intoxicated persons who, because of the intoxication meet their death after leaving the premises. However, the section confers no liability for nonfatal injuries and limits recoverable damages to \$1,500.

Moreover, in 1974, a Supreme Court judgment made the section obsolete. It clearly established innkeepers liability without need for any legislation and imposes no arbitrary limit on damages. We are advised that repeal will have no effect on criminal liability. None of these amendments should be at all controversial, and we now introduce them for consideration by the House.

Thank you, Mr. Speaker.

Mr. Dave Chomiak (Kildonan): I move, seconded by the member for Elmwood (Mr. Maloway), that Bill 72, The Law Reform (Miscellaneous Amendments) Act, be adjourned.

Motion agreed to.

Mr. Speaker: Before I call Bill 45 which is standing on the Order Paper for debate on second reading, I believe it would be helpful to the House if I were to remind all honourable members that on second reading, it is the principle of the bill under consideration which is debatable and that when that bill is an amending bill such as Bill 45, it is the principle of that amending bill, not the principle of the act being amended, which is the business under consideration.

DEBATE ON SECOND READINGS

BILL 45—The City of Winnipeg Amendment, Municipal Amendment and Consequential Amendments Act

Mr. Speaker: On the proposed motion of the honourable Minister of Urban Affairs (Mr. Ernst), Bill 45, The City of Winnipeg Amendment, Municipal Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Ville de Winnipeg, la Loi sur les municipalités et d'autres dispositions législatives, standing in the name of the honourable member for Wolseley (Ms. Friesen), and standing in the name of the honourable member for Selkirk (Mr. Dewar) who has five minutes remaining.

Mr. Gregory Dewar (Selkirk): I rise this morning to conclude my remarks on Bill 45. As I was mentioning earlier, this is obviously as has been stated, a very broad-ranging bill, when in fact it should have been drafted to deal specifically with the situation resulting from a referendum held last November in Headingly. We feel that the minister must withdraw this bill and have his department rewrite it to specifically deal with the Headingly problem.

We feel that the bill is a piece of legislation that was drawn up with haste. It is a knee-jerk reaction to a problem faced by Headingly residents. Of course, the residents there, like a number of residents surrounding the city of Winnipeg, felt they were paying city level taxes and were not receiving city level services, and actually a few years ago it was a long distance phone call for the residents of Headingly to contact the residents of Winnipeg. Of

course, the same thing applied for the residents of Winnipeg, even though the two areas were adjacent.

Another one of the more negative elements of this particular piece of legislation, we feel that it would mean the inevitable dismantling of Unicity and what will happen is that when rich areas decide, well, this sounds like a great idea, we will follow suit, and areas like Tuxedo or Charleswood begin to leave Unicity, the tax base, we feel, would be eroded and the commitment to certain projects that are very important to the residents of Selkirk—of course would be the clean up of the Red River—would be lessened.

This project, as all members know, would require a huge financial commitment from the city, from the province and from the federal government if it were ever to be undertaken, but the finances, we feel, of the city would be strained if wealthier areas leave, and it would seriously affect the condition of the Red. Of course, all residents know that the quality of the Red is very important to the residents of Selkirk, as it concerns the drinking water quality of Selkirk, when 35 percent of Selkirk's drinking water was extracted from the Red—is a situation that occurred last fall. That reason alone is sufficient enough for me and for the residents of Selkirk whom I represent to oppose this particular piece of legislation.

Mr. Speaker, there are a number of our colleagues who wish to add their comments on the record this morning, so in conclusion, I urge the minister to withdraw this bill and rewrite it to deal only with the Headingley situation.

With those comments, I will conclude my remarks this morning. Thank you.

* (1110)

Mr. Speaker: The bill is still standing in the name of the honourable member for Wolseley (Ms. Friesen). Is there leave that the bill remain standing in the name of the honourable member for Wolseley?

Hon. Clayton Manness (Government House Leader): Mr. Speaker, I am a little bit troubled with the request. I certainly will accede to it. My understanding is that it is the intention of the member for Wolseley to speak, but under that condition, we certainly will allow it to stand in the name of the member as long as she speaks today.

Mr. Speaker: Is there leave for the honourable member for Wolseley to speak later on this morning?

An Honourable Member: Leave.

Mr. Speaker: Leave. It is agreed.

Mr. Conrad Santos (Broadway): Mr. Speaker, I consider it a privilege to be able to speak on Bill 45, which purportedly has to deal with Headingley, but the bill has actually gone beyond the subject matter that it is intended to regulate.

Although a referendum had already been done, it raises an interesting constitutional and political question as to whether or not democracy can permit the secession of a part of a political system, of a body politic, of a corporate body by mere referendum of the seceding part alone without the consent of the whole body corporate, like the entire city or all the citizens who will be affected by such actual or threatened separation.

If we examine the legal issue about the power to secede, we will find that our constitutional doctrine will not recognize such a right to secession unless it is specifically granted by the Constitution. This has, for example, been the vital constitutional question, not too long a while ago, on the question of whether a province of Canada has the power to secede from the Canadian federation, since the election of the provincial party in Quebec under René Levesque in 1976.

If we look at the past experience in this country, in 1868 Nova Scotia requested to secede from the Confederation, but that was successfully opposed by the federal government. So there is no precedent whatsoever that any part of a body corporate, a body politic, can unilaterally on its own democratically secede from the entire body, in much the same way like the human body.

Can your hand or even your mind, your brain, say, I am no longer satisfied with this body; I want to do it in my own way? Can your right hand say that and separate by itself without the consent of the rest of your body? No. The same thing with body politics, the corporate body. It is an entity in itself. There is an essential oneness, and the destruction of that essential oneness by the separation of an essential part will not be tolerable, constitutionally, unless it is expressly granted and permitted.

The experience in the United States has been lengthy. There were the seven southern states that actually seceded from the union, but then the federal

government did not allow it to happen, and the result, as everybody knows, was the Civil War. It settled the issue. There is no more controversy now. The United States Supreme Court had declared that the Constitution, in all of its provisions, looks to an indestructible union composed of indestructible states.

The same thing happened in Australia. In 1934, western Australia requested the Imperial Parliament that it secede from Australia. It was not legally possible. The request was disallowed, and in Australia the constitutional doctrine now is that the union is indissoluble.

In Canada there is neither judicial decision, according to Eugene Forsey's Freedom and Order. Forsey, by the way, is a noted constitutional expert. There is neither the judicial decision nor explicit authorization that secession can only happen when the Constitution itself is amended by the required procedure, a required number of provinces to ascend, to rechange, so as to permit the secession of any part of Canada.

Now, on a little scale, we have done it in Headingley by the mere referendum alone of the part, the unit that wants to separate. On November 14, 1991, there was a referendum, and approximately 86 percent of the voters supported the separation and the creation of a rural municipality of Headingley, having as its instant boundary the Perimeter Highway. This is, in actual fact, already done, but the legality is questionable, and it is indeed a bad precedent.

If any part of a body corporate can, by unilateral declaration, no matter how democratically undertaken, separate without the consent of the rest of the body corporate politic, it is in essence an illegal act of secession which cannot be legally justified unless there is specific authorizing procedure to the contrary allowing such a separation. Otherwise, there will be balkanization and division of the large political unit by mere unilateral declaration of any small part of the entire political system, either at the national level or at the municipal level.

There can be no way of preventing any dissatisfied segment of any city or any province, unilaterally, on its own from asking and holding such a referendum, and of course, it will be a favourable outcome because precisely that part had the will and the political inclination and political will to make a

separation. To that extent, we are endangering the stability of our political system in a larger scale and in a smaller scale.

The world itself should be an example to us that it is not impossible for any small part to separate, but the ultimate sanction of it will have to be based on a political will that can overcome the constitutional constraint. It has to be a rebellion and a revolution, and it must be successful as such. There will be an interregnum, a gap in the constitutional legality, but then, if it can maintain itself and it can achieve recognition, political recognition, from the rest of the other political systems and entities, then it can be recognized as a constitutional regime.

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

* (1120)

Witness what had happened in the case of the 13 colonies in the United States. They have done an illegal act through a successful revolution, and they have established a new nation afterwards.

An Honourable Member: Just as Maggie Thatcher did in Britain, a revolution, a new nation.

Mr. Santos: A new nation—of course, when it is successful, when the revolution is successful and they are able to achieve and establish a political system, it can maintain itself and it can be recognized by the rest of the other nations, then legality and constitutionality will again have to start anew like the birth of a new nation.

On a smaller scale, the same could happen. In the municipal level, there will be no end to the division and balkanization of large cities and large municipalities with any portion of it legally, unilaterally, by its own act alone without the consent of the body politic, without the consent of the corporate hold, if we recognize has a right to separate. This is indeed a very dangerous doctrine. [interjection]

No, we are just trying to estimate the time so the bill can be put fast through committee—[interjection] But, what I am talking about is a very important issue. The other issue here—so we have established that unless the Constitution itself or the existing rules or the existing Charter—in the case of the City of Winnipeg, the Constitution will be the Charter, the Charter of the City of Winnipeg, unless the Charter itself is specifically authorized, the

separation of any part of the city, it will not be legally justifiable.

Now the next question equally interesting is: Can the provincial Legislative Assembly, which has granted the Charter to the city, the ultimate source of political authority over municipal matters, abdicate its inherent legislative power in favour of the executive branch or any member of the cabinet by delegating purely legislative powers and does remove itself and abdicate the essential inherent legislative power? I am talking about the power to define municipal boundaries, the power to conduct municipal elections, the power to define who are the qualified voters.

These are purely and essentially legislative powers that reside in the Legislative Assembly. We are trying to emulate what has been known in history as the Henry VIII clause by delegating a large chunk of power to the executive branch. In England, the local Government Act of 1888, since that time a practice has grown of including in the act conferring legislative power upon a minister, the power to make orders with statutory effect or with powers to make orders amending statutes. This has been known in history as Henry VIII clause.

This clause gives the minister a general power to amend or repeal part of an original statute, and the order itself will be regarded as conclusive evidence that the power has been properly exercised. This is abdication of legislative power and in favour of the executive. Even in England they recognize the essential separation between purely executive power and purely legislative power—although in our parliamentary scheme of government, the parliamentary system recognizes and acknowledges that the executive fused with the legislative, because the executive provides the leadership in the Legislative Assembly.

Yet this Legislature would be depriving itself of purely and essentially legislative power if it can delegate to a member of the executive, to a member of the Lieutenant-Governor-in-Council or what is known as the cabinet or any member of the cabinet, essentially legislative power like the power of determining the boundaries of a municipality, the power of holding elections and determining the procedures of elections, the power of defining who the qualified voters are and what the rules of voting shall be. These are essentially legislative powers, and it cannot constitutionally be delegated.

So the extent of this bill has been doing precisely that. This bill can be challenged as ultra vires and unconstitutional. There is no danger in power as long as power is exercised responsibly, but the very fact that the power can only be in the sole discretion of a single individual no matter how noble the individual may be, the very fact that essential legislative power that is placed in his hand places him in the position of some kind of a little dictator, cannot be permitted in a constitutional system.

I submit that to the extent that this Bill 45 is giving such powers essentially legislative in nature in the hands of a single minister of the Crown, the Legislature itself without its knowing, without knowing itself, is essentially doing an ultra vires act. What would happen if you just let the logic continue? If it can give away essentially legislative power, what will be left for the Legislature? What power will be left in the Legislature?

An Honourable Member: An empty shell.

Mr. Santos: It is an empty shell, the honourable minister says. That is precisely the genus of our political structure, that essential legislative powers should stay with the judiciary, essential legislative powers should stay in the legislative, essential executive power will stay in the executive, essential judicial power will stay in the judiciary—although in a parliamentary system, we have accepted the reality and the fact of the fusion of legislative and executive power in our system. Nevertheless, undue delegation, excessive delegation, especially of power purely legislative in nature cannot be justified.

Of course, parliament and legislative bodies deal with many important and large issues. There are sometimes details of administration that could with appropriate criteria and with appropriate standard be safely delegated, but then the delegation should be guided by such a standard.

In this bill, there is no standard; there is no rule that will guide the honourable minister or constrain or limit his power.

An Honourable Member: But there is precedent, the old Henry the VIII clause.

Mr. Santos: This is precisely what Lord Stewart, the Chief Justice in England, had called the new dictatorship in England, this kind of practice, and we should be very cautious about delegating purely legislative power in the hands of a single individual.

Of course, you have heard about Baron de Montesquieu? He wrote a treatise called *l'Esprit des lois*, the Spirit of the Laws, and he precisely based his conclusion in observation in England. Of course, that doctrine had been modified in the United States by creating three distinct separate departments of government, but there is also a system called the balancing of power—

An Honourable Member: Checks and balances.

Mr. Santos: Checks and balances. But what kind of check can the legislature, except on the executive which is precisely the leadership in the very legislature itself, what kind of counterbalancing power can a member of this House exercise against a member of the executive branch when the leadership of the Legislature itself is in the very hands of the executive? Therefore, we can delegate certain matters but not the legislative power. We can delegate matters of administration. We can delegate minor details of implementation, but the essential policy, the essential legislative character of the power itself cannot be abdicated by the Legislature without destroying itself.

Montesquieu said: Where all the powers reside in the hands of one person or one body of persons, there can be no liberty.

An Honourable Member: And then he coined that immortal phrase, ". . . give me liberty or give me death."

Mr. Santos: Oh, the member is quoting another person. That was Tom Paine, Thomas Paine. [interjection]

The relevancy is this: Bill 45 has no mandate to delegate essentially legislative power in the hands of the Minister of Urban Affairs (Mr. Ernst); otherwise, he will be tempted to become a little dictator. This is Montesquieu, and do you know what Lord Acton had been saying all along? Power corrupts, and absolute power corrupts absolutely.

Have you not seen evidence of such tendencies to abuse power? The Pines, the road in Wilkes Avenue—yes, you have, and you should be cautious and be very prudent about delegation of absolute powers.

An Honourable Member: Now, let us get back to Maggie Thatcher.

Mr. Santos: I do not know how I can make it relevant, but my thinking on the matter is that the English people were afraid to have a minority

government where the balancing power would be the social democratic party or Liberal Democrats, who have pledged that they will overhaul the system by instituting a system of proportional representation. They would not disturb a system that had been there, stable and working, all these centuries. But compare that with what is happening in this country. How come the NDP took British Columbia and Saskatchewan and Ontario and the Yukon?

An Honourable Member: And tomorrow the country.

Mr. Santos: I cannot make such a prediction. I cannot make any relevance again if I refer to the United States election. It is too far out of the topic under this discussion.

The real issue here is whether or not inherent legislative power of the Legislative Assembly of Manitoba can be permitted to be delegated to one member of the executive branch at his sole discretion without any standard, without any guide, without any criterion to help him, that such discretion can only be exercised for the public interest.

I have indicated that this is beyond the purview of the bill. The bill is supposedly to grant a new municipality new existence, but it should be the act of this Legislature that should define where the boundaries should be. It should be this Legislature that should define how the municipal election shall be conducted. It should be this Legislature that should define who the voters shall be and not any small king in this government.

What would happen if this bad precedent is taken on its face value by a certain other portion of the city of Winnipeg, let us say Transcona, by vision of geography it is already out there. Supposing they institute a referendum and say unilaterally we want to establish a new city of Transcona. All they do is use this Bill 45 and they can do it. What about St. Boniface which can claim an essential culture of its own, a distinct society, a distinct political system. All they do is apply under the procedure and it will be at the discretion of a single individual to determine whether or not that can happen. Is this to be permitted by this Legislature?

What happens if Tuxedo, the very base of the tax bases in supporting the city of Winnipeg, decided that it would be to their own advantage that they will establish a city of Tuxedo? All they do is apply under Bill 45, follow all these procedures and it will

be essentially the discretion of one man, one person, one vote, to allow whether this will happen or not.

Can we allow that? Are we so blind in this Legislative Assembly to permit this to happen? Members of the Legislative Assembly open your eyes. Your power as a legislative body, as the trustee of the people, are being eroded.

An Honourable Member: It is the old Henry VIII system.

Mr. Santos: Henry VIII system, Henry VIII clause, essentially legislative power taking over bit by bit until there is nothing left in the worth of the Minister of Natural Resources (Mr. Enns), nothing but the shell.

Madam Deputy Speaker, my time is up.

* (1140)

Ms. Jean Friesen (Wolseley): I am honoured to have the opportunity on behalf of my constituents and my party to address Bill 45. This is a bill which we have some very serious concerns about, and I look forward to it going to committee to hear the concerns which I know are there in the public mind as well.

We anticipate being able to introduce some amendments which should help to remedy some of the difficulties which this bill, I believe, will create for the citizens of Manitoba. The minister has also indicated that he might be interested in some amendments, and we look forward to those at the committee stage as well.

Many of my colleagues have spoken to the bill at second reading, both urban and rural members have spoken, the member for Brandon, the member for Selkirk (Mr. Dewar), have spoken at length on this bill, and I believe all of our urban members have spoken. It is an indication of our concern for this bill and for the amendments that are being proposed to The City of Winnipeg Act.

The purpose of the bill is ostensibly to deal with the issue of the separation of the Headingley section of the city of Winnipeg. Neither the city nor the province seem to have had the ability to deal equitably with the issues of taxation and services raised by the residents of Headingley in the last few years. Both the city and the province have attempted to deal with this but neither they nor the residents of Headingley have been able to reach agreement. We regret this, Madam Deputy

Speaker. We believe that greater effort should have been made to bring all the parties together and to deal with the issue. We do not believe that a complete impasse has been reached, and we do not believe that the long-term interests of the city and of Headingley will be served by this separation.

In the short run, it will satisfy the immediate and understandable grievances of the residents of Headingley. In the long run, the provision of a satisfactory level of services to all the residents of the capital region will not be advanced by the fragmentation of the tax base that this division creates.

However, in spite of such fundamental doubts about this bill, we would as opposition have been prepared to give careful consideration to a bill which dealt specifically with the Headingley situation, which took account of the long-term interests of the capital region and the recently expressed views of the citizens of Headingley.

Unfortunately, the government has chosen to present an omnibus bill which changes the nature of the relationship between the city and the province. It offers exit permits to many more sections of the city than Headingley and it enables the government to arrogate unto itself far more regulatory power than has been the case in Manitoba in the past.

There is no doubt that the minister is aware of this. In introducing this bill, he made a point of arguing that, quote, government fully supports the concept of Unicity and that, quote, this bill does not allow for the creation of other cities at all. This bill allows for rural municipalities, towns and villages only.

In the minister's mind apparently, the concept of Unicity is then only compromised by the creation of a new city, not by the creation of a rural municipality or any other political jurisdiction. It sounded very odd, Madam Deputy Speaker, at the time, but it sounds even more bizarre today when I repeated the argument here.

It is not surprising, given this level of argument that some of the Tory caucus believe in fact that this is a Headingley bill. Even so, I was surprised to hear the member for Seine River (Mrs. Dacquay) in her capacity as Deputy Speaker call a member to order for speaking on other matters than Headingley.

In fact, Madam Deputy Speaker, this is an omnibus bill which aims at the dismantling of

Winnipeg. Now, to be fair to the minister, it does not, in itself, dismantle Winnipeg, but it does create the conditions whereby this can be done quickly by cabinet in relative secrecy and without the consent of the citizens of Winnipeg at a cost to be determined by the cabinet for as long as the cabinet should choose and to be paid for by the taxpayers of Winnipeg.

So my first and consistent recommendation to the government and this minister is to bring in a limited bill which deals specifically with the Headingley case and which enables an orderly transfer to be made that is fair to all parties.

Madam Deputy Speaker, this stage in second reading, it is the custom of the House to examine the principles of the bill rather than its specific clauses. I would like, in that context, to turn to two issues which I think are of significance to this bill.

First of all, I think honourable members recognize that we are amending an act here, The City of Winnipeg Act, which represents the codification of the provincial responsibilities and policies for local government for more than half the citizens of this province. The major function of the province is to ensure that the urban government has the mandate and the resources to deliver local services to its citizens. It should also ensure that the harmonious sustainable development of the regional community is a policy which is accepted and adhered to by all levels of government, business and industry.

One principle then which should be established in this bill is that before any changes take place in Headingley or any other municipality, town or village that the government, under this bill, may create out of the former City of Winnipeg, there should be a requirement for the publication of a financial analysis of the potential tax base of the new jurisdiction.

The province's role is to ensure that the tax base of the new government is sufficient to maintain the services that are required by the citizens, but they must also, as a provincial government, ensure that the services which affect the health of the region as a whole, such as the availability of public transport, the provision of clean water and the establishment of waste management systems which do not harm the regional environment are there for all of the region.

The minister claims to have done this in the case of Headingley. I think what he is referring to is the

study of Headingley done in 1988 by the consulting firm of Hilderman Witty. I have many concerns, Madam Deputy Speaker, about such a document as the basis for the creation of a separate jurisdiction. In the first place, it is based upon figures which will be almost six years old by the time Headingley faces its independent future, and there have been some changes in that period.

Some of those changes are inevitably a result of the recession and could not have been predicted, others stem from recent changes in the provincial assessment laws which have altered the tax base of many communities. There have been changes in the assessment of agricultural land, for example, which have made them more sensitive to the changing value of land as a result of the global changes in agricultural commodity prices.

Has the minister or his department investigated the impact of such changes or potential changes on the tax base of Headingley? I do not believe they have, and I think it is a serious issue which the government should consider.

It is a serious matter, Madam Deputy Speaker, and it does warrant a full report before separation occurs. It would not be in the interests of the capital region or of the citizens of Headingley to create a new rural municipality with a low and declining tax base. The pressures for unrestricted development in what used to be part of the green belt would be enormous and probably irresistible in the context of the restructuring of the Manitoba economy.

In addition, the boundaries of the new rural municipality were not known at the time of the Hilderman report. It seems only common sense to re-examine the financial future of Headingley in the light of the new information on the distribution of assets that the municipal board has suggested and which I understand the minister has accepted.

My second suggestion then to the minister is that it is his responsibility to provide a financial analysis of the resources and services of any new municipality. We would recommend that he consider making a part of this bill the necessity of tabling such a public document.

The secondary of contextual consideration is, I think, the absence of any regional planning in the capital region. This is clearly a provincial role, but one which has received very little attention from this government. There is no doubt that the harnessing

of the energies of competing jurisdictions in the Winnipeg region is not an easy task.

Since the 1950s there have been many changes in the governance of this region, many new adjustments, many changes of political direction. In a period of expanding economies and prospects, it is relatively easy to find areas of co-operation for development, but in our present condition of a declining rural base, a growing gap between rich and poor, and urban migration of the poor and the poorly educated, and a decline in our old industrial base, it is far less easy to find such a harmony of purpose.

I do not underestimate the difficulty in which any Minister of Urban Affairs would find themselves—a metropolis which faces huge social issues with a declining tax base, surrounded by rural municipalities competing with each other and the city for the few opportunities of economic expansion which do exist in Manitoba. It is not easy, but it must be done for the benefit of the economic health of Manitoba and for the wise stewardship of our common resources.

The minister seems overwhelmed by the difficulties facing him in regional planning, but he should take heart; it has been done before. The city of Vancouver is one notable example. In July 1990, the Greater Vancouver Regional District produced a series of reports: Steps to a More Livable Region. It is a visionary document which works toward establishing in Vancouver a place which combines the place which humanity aspires on a global basis, a place where human activities enhance rather than degrade the natural environment, where the quality of the built environment approaches that of the natural setting, where the diversity of origins and religions is a source of social strength rather than strife, where people control the destiny of their community and where the basics of food, clothing, shelter, security and useful activity are accessible to all.

We should look, Madam Deputy Speaker, for no less in Winnipeg. If the 18 municipalities in Greater Vancouver can work together to regulate growth, to maintain regional open space, rapid transit and a healthy environment, then so can those in Winnipeg. Toronto, Montreal, Ottawa-Hull and other central Canadian cities have gone a long way in this respect. It need not be an insurmountable task in Winnipeg, but it does require a political will.

This government is not prepared to offer that leadership.

* (1150)

In Estimates, I have often underlined this issue for the minister, but he claims that his role in the Winnipeg regional committee is limited to calling the meeting together. Under this minister, there have been no white papers, policy proposals, no research or discussion papers. Indeed, he did not even admit to playing any part in setting the agenda for such meetings. This seems a clear abdication of responsibility for an important provincial role, and no one but the province can take the lead on this issue.

Indeed, in the last few months, the City of Winnipeg has been reviewing Plan Winnipeg. They note that with the abolition of the additional zone, the city and the adjacent municipalities must find a new relationship of mutual co-operation, particularly on issues related to rivers, airport protection, transport, services and land development.

An early draft of Plan Winnipeg took the opportunity to address some issues of regional residential development which aimed particularly at discouraging further residential development of an urban scale and form which require additional sewage treatment capacity. Further, it recommended that nonresidential development in the Winnipeg region be limited to those elements necessary to serve the needs of the local residents.

Well, Madam Deputy Speaker, down came the SWAT team from the minister's office, surrounded City Hall. Although the political leaders of the city refused to surrender, somewhere in the bowels of the administration, the white flag went up, and a revised draft of Plan Winnipeg offered a mild expression of interest in the impact of other municipalities on the City of Winnipeg. The troops retired. There must have been relief at the Legislative Building. Regional planning was securely back in the realm of provincial jurisdiction.

The citizens of Manitoba can rest assured that it will be kept under lock and key for some time to come. In fact, until the next election, I doubt if we will hear much about the Riverbank Management Corporation, the Sustainable Region Committee or the Winnipeg Region Committee, for this is a Tory government which believes in less government, not common-sense planning, in free-market economies, not civic regulation, in offloading

taxation onto the level of the municipality, not in a sensible redistribution of provincial wealth.

We see in fact double signals, a double standard in the signals coming from the province. The minister's directives to the city for Plan Winnipeg are indeed high minded. They suggest the city examine the important issues of sustainable development, land use and waste management, all of which point to the need for a regional economic plan and integrated planning.

The province itself offers no leadership here, yet it slaps down the city when civic leaders attempt to fill the breach. Now in Bill 45, the province is adding two more insults to injury. On the one hand, it is encouraging the dismantling of the city in a vacuum of regional planning. On the other hand, the very principles of the bill add to the difficulties of the city itself in its own planning process, for this bill proposes that at any time, by regulation, the province can alter the boundaries and hence the tax base of Winnipeg.

An analogous situation, of course, would be a similar proposal in Ottawa to permit the federal government to alter provincial boundaries by regulation, and one can imagine the howls of legitimate outrage from the province. Now the situation is, of course, not directly comparable since the constitutional conditions of the province-city relationship are different from those of the federal-provincial relationship, but the unpredictable impact of that regulatory power is obvious, clearly unjust and severely undermines the ability of the city to fulfill its planning responsibility.

The city has in fact forwarded a motion to the minister which was passed by City Council on March 25, 1992, which reads in part, and I quote:

WHEREAS Bill 45 goes well beyond the need of facilitating the secession of Headingley by allowing the secession of any locality and isolation of any Winnipeg regional plan; and

WHEREAS Winnipeg City Council has had no opportunity to respond to Bill 45 to consider its implication on regional planning and development.

THEREFORE BE IT RESOLVED that Winnipeg City Council request that the Province of Manitoba make Bill 45 specific to Headingley secession and no other locality until the Winnipeg Region Committee adopts a regional development plan.

That is a very clear request from the City of Winnipeg, Madam Deputy Speaker. It is not only

the social democrats in this House but also the council which represents the citizens of the city, who recognize the difficulties which this bill is going to impose upon the City of Winnipeg and upon the whole Winnipeg region.

The City of Winnipeg asks for a specific Headingley bill, and I will again urge the government to listen to that voice and to make this bill not a general exit bill but a Headingley bill, pure and simple.

A report of the Executive Policy Committee of City Council, of March 2, 1992, reminds us of the words of Duff Roblin, a Tory Premier of a different stripe from the Thatcherites and Reaganites across this Chamber. In introducing the bill which established the Metropolitan Corporation of Greater Winnipeg in 1960, Roblin described Bill 62—as it was then—as resting upon rather two simple thoughts, and I quote, first of all, that we should develop a central planning authority for this metropolitan area that would be charged with the responsibility of providing a unified development plan for this large urban area; and secondly, that we should also provide for central control of essential services to the public within this same urban area.

The central planning authority he was talking about was the Metropolitan Corporation of Greater Winnipeg, and its jurisdiction in this regard extended beyond the boundaries of the metropolitan area into an area called the additional zone. The additional zone covered 492.86 square miles, and it placed a great deal of land under the planning authority of Metro and later Unicity.

I think the sensible principles that Duff Roblin outlined, Madam Deputy Speaker, are still relevant today, and I would recommend to the government and to the minister that they give careful consideration to them in the context of the 1990s.

Unfortunately, what we have seen from this government is the erosion of some of these principles over the past 10 years. In particular, we have seen the loss of the additional zone principle which was a key to the comprehensive planning capacity of the Winnipeg region. It began not surprisingly under Sterling Lyon in 1980 when the R.M. of Rosser joined the south Interlake planning district.

* (1200)

In 1983, the R.M. of Ritchot and the R.M. of Macdonald applied to form a new planning district,

again opting out of the additional zone concept. In 1988, West St. Paul was also granted approval to join the Selkirk and District planning authority. In 1990, the remaining parts of the additional zone disappeared when East St. Paul, Springfield and Tache opted out.

As the city notes, they cannot any longer play any role in land-use decisions at their boundaries, and it is at these boundaries that an increasing proportion of residential development is occurring. The volume of the rate of subdivision creation, particularly but not exclusively to the north and northeast of the city boundaries, is of great concern to the city, and it should be of great concern to the province.

The province is now responsible, through its provincial planning boards and staff, for much of the land-use decisions in the Winnipeg region, yet there is no clearly articulated policy for the capital region.

The city points out that the absence of an articulated policy which addresses land-use management issues in the Winnipeg region will inevitably result in a continuation of suburban residential development outside the city boundaries. Lands within and adjacent to the Perimeter Highway and the Floodway continue to be the subject of significant urban pressures, with no clear direction being given by the government of Manitoba.

The last decade, in fact, has seen the continued erosion of the additional zone planning concept, and its replacement by eight land-use planning and decision-making jurisdictions.

There are costs to this devolution, Madam Deputy Speaker. Winnipeg may have lost its chance to have a green belt, a key planning concept of the 20th Century cities in Europe and North America. It may have lost its long-term opportunity to plan industrial development when so much of the adjacent area has been taken up by large lot development. It is certainly losing the opportunity to develop sustainable policies in the areas of transport and waste management.

The minister's response is that the city may participate in the Winnipeg Region Committee and, of course, that is true, but this committee meets infrequently, perhaps twice a year. It appears to have no agenda, no discussion papers and certainly no record of its deliberations that are available to the public.

Is this the kind of regional planning which Winnipeg needs? It seems to be little more than a gentlemen's get-together with a little light refreshment thrown in. The minister's role, by choice, seems to be devoted to setting the menu. I do not know how elaborate this menu is. I hope the minister is not offering doughnuts because the symbolism would be simply too apt.

That, Madam Deputy Speaker, is what is happening in the region. We are in grave danger of creating by the abandonment of planning a doughnut city, a city with a hole in the middle where the poor and the undereducated must depend on a declining tax base. As the infrastructure rots, the flight to the suburbs intensifies and the exits from the city multiply.

The presence of core area programs and the trilevel projects of The Forks and North Portage have to some extent masked the changes which have been happening in Winnipeg. With Tory governments withdrawing from such activities, the consequences of the lack of regional planning will become all the more obvious.

We all know the consequences of doughnut development. It stares us in the face in many North American cities. The most notorious, of course, is Los Angeles. There the process began many years ago, but reached its zenith in the 1950s. It has acquired the infamous name associated with a large suburban development, Lakewood, a tract home development nearly twice the size of the grandfather of tract home divisions, Levittown.

Pushed by developers in 1956, the state of California, under an act known as the Bradley-Burns Act, allowed all local governments to collect a uniform 1 percent sales tax for their own use. This gave fringe area with shopping centres or other commercial assets the opportunity to finance city government without a property tax. They also kept their costs low through the practice of contracting out the municipal services at nonunion wages.

As Mike Davis has pointed out in his study of Los Angeles, the City of Quartz, California essentially licensed suburban governments to pay for their contracted county services with a regressive sales revenue rather than the somewhat more progressive property tax. It was a direct subsidy to suburban separatism at the expense of the weakened tax base of the city.

Similarly, Gary Miller, in his study of the 26 minimal cities formed along Lakewood Lines in Los Angeles between 1954 and 1960, has shown that it was not municipal efficiency, but self-seeking economic advantage that impelled incorporation. The reason for creating or moving to minimal cities was not to signal something unique about one's demand for public goods, but to insulate one's property from the burden of supporting public services.

This exit privilege, subsidized by the state, was enhanced by the other advantages of local control. Residents of minimal cities could zone out service, and particularly those services demanded by low income and the renting population. They could eliminate, by contracting out, any union or bureaucratic pressures for service expansion, and perhaps most importantly, they could safeguard their property from potential use as a resource for government redistribution of wealth.

Obviously, by providing such an attractive escape hatch from ordinary municipal citizenship, the Lakewood plan fueled, in the case of Los Angeles whites, a flight from the city while at the same time reducing the city's capacity to deal with the needs of increasing low income and renter population.

Madam Deputy Speaker, I have taken the liberty of quoting at length here from the City of Quartz. The situation is not, of course, exactly the same in Winnipeg, but there are enough warnings and parallels in this situation that the minister and his government should have serious concerns about the long-term implications of what they are proposing in this omnibus bill.

I remind them again, that the sensible course, the prudent course—dare I say it?—the conservative course, would be to withdraw this bill and come back with a Headingley bill which is drawn up in the context of a sound regional plan, has attached to it a financial plan based upon current information on land assessment and potential tax base within the proposed boundaries.

Madam Deputy Speaker, having dealt with some of the contextual issues, let me turn now to some of the more objectionable particulars of this bill. One of these is the provision for referendums. Now in themselves, there is nothing inherently wrong with referendums. They have been part of the prairie political vocabulary since the era of the progressive party. They are a common part of the vocabulary of

parties where the philosophical foundations are rather fluid. It is no surprise, therefore, to find the recent Liberal conversion to the use of referendums as an instrument of policy.

Referendums do have their place. Political scientists would argue that their best use is to confirm policies that already enjoy considerable public support. In the Headingley case one could argue that this was the role that the referendum played. The arguments against the use of referendum as instruments of policy are well known. The results are easily manipulated by those who have the power to set the question. They are divisive and have been so in Manitoba on the issue of the French language and in Canada at the time of conscription.

They are not subject to the normal rules of election financing, and in the age of expensive mass media advertising, the outcome can be unduly influenced by those with money and the power that brings. They should not, in fact, be a normal part of policy making. They are an extraordinary and unusual instrument of government. They have their role, but it should be used with caution and care.

* (1210)

In the case of the referendums being proposed here in Bill 45, there is an additional danger, Madam Deputy Speaker. The minister is proposing that he determine who is to vote in a referendum. Under any circumstances that is an extraordinary proposal. It is the role of the Legislatures—as my colleague for Broadway (Mr. Santos) has so very well expressed—to determine who votes, not the task of the minister or the cabinet. That is something which must not be shrouded in the blanket of cabinet secrecy. It must be openly debated by all the representatives of the people.

What the minister is proposing would enable him to designate, as electors, a portion of the residents of the city of Winnipeg, say Transcona or Tuxedo or St. Germain, as eligible to vote in a referendum on withdrawal from the city, just as he did without specific legislative authority in the case of Headingley. This opportunity to hive off a section of a municipality is not one which is available to other municipalities. The R.M. of St. Clements, for example, could not hold a referendum in one section of its jurisdiction, and there are good reasons for that and they hold equally true for Winnipeg.

It is the tax base of the city of Winnipeg which will be affected, and all should participate in such referendums. They should have, at their disposal, sound information on the impact of the changes on both Winnipeg and the new jurisdiction. The citizens of Winnipeg are inherently fair-minded and will judge the situation on its merits.

However, Madam Deputy Speaker, the power to determine the electorate in a referendum has implications beyond geographical boundaries. Will the minister be basing his selection on the provincial voters' list or will he be including property owners, as is the case in the rural municipalities? Will that property vote be a significant part of any election? Will the Legislature ever have the opportunity to find out?

Again, I recommend to the minister that he go back to the drawing board and bring us a bill which is true to democratic principles and leaves the issue of the franchise in the hands of the Legislature where it belongs.

We have other particular concerns, too, Madam Deputy Speaker, which I will address briefly. My colleague the member for Kildonan (Mr. Chomiak) has spoken extensively on the permissive nature of this bill in its use of "may" rather than "shall." The minister may refer a number of significant issues to the municipal board, but he is not required to. He may in fact accomplish most of the devolution by regulation.

We ask him to reconsider such arrogation of power, come back with a Headingley bill which deals with the distribution of assets between Headingley and the City of Winnipeg and let us all vote on it in a fair and open manner.

We have serious concerns, too, Madam Deputy Speaker, about the portions of the bill which enable the minister, again by regulation, to require the City of Winnipeg to continue to provide services to new jurisdictions for as long as, and under such conditions, financial and otherwise, that the minister will determine.

Now, the minister will argue that this is for Headingley only, although it does not say that in the bill. He will argue that in his regulations he will state a time limit and an acceptable and fair price, and I have no reason to doubt that he would do so. If that is the case, Madam Deputy Speaker, then in an omnibus bill of this kind, which will outlast the Headingley issue and may indeed outlast the

minister, it should be so stated. It is crucial that such principles of time limit and fair price be enshrined in the bill.

Indeed it is possible, Madam Deputy Speaker, that in the bowels of the Tory party there lurks a potential minister whose sympathy with development interest perhaps are very close, perhaps even closer than this honourable Minister of Urban Affairs (Mr. Ernst). A new minister may see the provisions of this bill as an opportunity to write a blank cheque to a new jurisdiction at the expense of and without the consent of the Winnipeg taxpayer. It does not belong in this bill in this form.

Now, the minister should be concerned about the transition period in Headingley, I agree, but he should bring in a bill which deals specifically with Headingley with the transition mechanisms which are required for that, which are clearly specified in the bill and can be publicly voted upon and discussed.

One would also have expected that a minister who has concerns about service provisions in a period of transition would have consulted with the city on such matters. The minister, to my knowledge, has made no attempt to consult with the city on any of the matters before us in this bill.

In conclusion, Madam Deputy Speaker, this is a bill which bears all the hallmarks of being hasty and ill-conceived. The minister wants to save himself another round of debate when the issue of St. Germain re-emerges or that of Tuxedo or Transcona. He wants to rush this bill through the Legislature, ostensibly to enable elections to take place in June in Headingley.

(Mr. Speaker in the Chair)

Let there be no misunderstanding, Mr. Speaker. We, too, want to see those elections take place in order that the new municipality start off on the best footing possible. It is, as the minister would agree, far better for the taxes to be set by elected officials.

The minister has known since February, when our Leader spoke to the House on this issue, that we had grave concerns about the basic principles of this bill. The Liberal Party has expressed some similar concerns. The City of Winnipeg has asked the minister to bring in a Headingley-specific bill. The Winnipeg Free Press has spoken in a similar vein.

Why does the minister persist in such apparently unnecessary legislation? What does he want to do under these rubrics of selective referendums, blank

cheque service provisions, extraordinary regulatory powers over the city boundaries? What does it all add up to?

Well, obviously I cannot predict the minister's future plans any more than the Minister of Natural Resources (Mr. Enns) can predict the weather, but we can look at the record of this government in discharging its responsibilities to our metropolitan centre—

An Honourable Member: He says it will be cold for two more months, so much for global warming. Harry has been reading the Farmer's Almanac.

Ms. Friesen: I knew we could blame that on the Tories too.

In the case of this particular government, we would have to go back some way to the days of the gang government at City Hall when the present Premier (Mr. Filmon), the Minister of Government Services (Mr. Ducharme), the Minister of Urban Affairs (Mr. Ernst), the Minister for Industry, Trade and Tourism (Mr. Stefanson), the members for Seine River (Mrs. Dacquay), St. Norbert (Mr. Laurendeau) all were part of the group of councillors who led Winnipeg into suburban sprawl, and the high debt that it is still struggling with and which limits its capacity of to deal with the dreadful economic consequences of Tory policies of Free Trade and the high dollar.

Since coming to power provincially, they have continued to abandon the concept of regional planning and the additional zone. They have made a mockery by their inaction of the Winnipeg Regional Committee.

After five years in government, we have seen no movement on the development of policies for Winnipeg rivers or for a capital regional strategy. They have abandoned the Core Area Initiative. They have walked away from their promises of an urban aboriginal strategy.

With the support of the Liberals, they reduced the numbers of City Council, created de facto pie-shaped wards when they forced my constituents at the corner of Sherbrook and Portage to be represented by the councillor for River Heights whose ward now stretches to Kenaston Boulevard.

They reduced clearly and deliberately the political voice of the inner city. They brought in Bill 35 in the last session which abandoned any pretense of planning for the protection of the airport and which violated many of the principles environmentalist

groups were fighting for. They have cut in half their grants to the City of Winnipeg to fight Dutch elm disease. They supported this minister in his ill-fated attempt to build housing on the riverbank in St. James and in the flight path of the Winnipeg airport.

This is the context in which we must examine this bill. This is not just another example of hurried and inept legislative drafting. The minister is clearly seeking more powers than he needs to deal with Headingley, and he is doing this for a purpose. He has shown no evidence of his concern for the maintenance of a healthy metropolis.

I ask him again to take back this bill. Bring in a bill which deals with Headingley. Bring in a bill which provides for an orderly transition which is fair to the taxpayers of Headingley and Winnipeg. Let that bill be accompanied by a financial plan based upon current information.

Let us see an indication of a serious effort to develop regional planning policies which go beyond the calling of the occasional meeting. Let us see the commitment we expect from a provincial government to maintain the health of Winnipeg, of half our population and the engine of our economic survival, and let us ensure that parliamentary supremacy rather than ministerial fiat remain the principle which guides us all.

* (1220)

Hon. James Downey (Minister of Northern Affairs): Mr. Speaker, it is my intention to close debate on Bill 45 and in doing so will keep my comments very brief.

I believe that there have been appropriate and proper processes put in place to the development of the bill and the principles of which this bill hopes to achieve. There is, of course, the process now in which it goes to legislative committee for open and public input and comment and we welcome that.

I recommend this bill to the committee and hope for the support of all members of the Legislature. Thank you.

Mr. Speaker: Is the House ready for the question? The question before the House is second reading of Bill 45, The City of Winnipeg Amendment, Municipal Amendment and Consequential Amendments Act Loi modifiant la Loi sur la Ville de Winnipeg, la Loi sur les municipalités et d'autres dispositions législatives. Is it the pleasure of the House to adopt the motion?

Some Honourable Members: No.

Mr. Speaker: All those in favour of the motion, 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.

Hon. James Downey (Acting Government House Leader): Mr. Speaker, as Acting

Government House Leader, I wonder if it would be the agreement of the House to call it 12:30.

Mr. Speaker: Order, please. Let us reach a decision. On division?

Mr. Jerry Storle (Flin Flon): On division.

Mr. Speaker: On division, the motion is accordingly carried.

Is it the will of the House to call it 12:30? The hour being 12:30, this House is now adjourned and stands adjourned until 1:30 p.m. Monday.

Legislative Assembly of Manitoba

Friday, April 10, 1992

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