



Fifth Session - Thirty-Fifth Legislature

of the

Legislative Assembly of Manitoba

DEBATES
and
PROCEEDINGS

(Hansard)

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHOMIAK, Dave	Kildonan	NDP
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
GRAY, Avis	Crescentwood	Liberal
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
KOWALSKI, Gary	The Maples	Liberal
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MACKINTOSH, Gord	St. Johns	NDP
MALOWAY, Jim	Elmwood	NDP
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCORMICK, Norma	Osborne	Liberal
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
ORCHARD, Donald, Hon.	Pembina	PC
PALLISTER, Brian	Portage la Prairie	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
ROBINSON, Eric	Rupertsland	NDP
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	NDP
SHELLENBERG, Harry	Rossmere	NDP
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary, Hon.	Fort Garry	PC
WOWCHUK, Rosann	Swan River	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 22, 1994

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

TABLING OF REPORTS

Hon. Linda McIntosh (Minister of Housing): Mr. Speaker, I am pleased to table the Supplementary Information for Legislative Review for the 1994-95 Departmental Expenditure Estimates for the Department of Housing, Manitoba Home Renovation Program.

INTRODUCTION OF BILLS

Bill 27—The Highway Traffic Amendment Act

Hon. Rosemary Vodrey (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the Minister of Highways and Transportation (Mr. Findlay), that leave be given to introduce Bill 27, The Highway Traffic Amendment Act; Loi modifiant le Code de la route, and that the same now be 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 afternoon from the New Rosedale School, twenty Grades 3 to 9 students under the direction of Miss Maendel. This school is located in the constituency of the Speaker.

Also, from the Robert Browning School, we have sixty Grade 5 students under the direction of Mrs. Hager. This school is located in the constituency of the honourable Minister of Finance (Mr. Stefanson).

On behalf of all honourable members, I would like to welcome you here this afternoon.

ORAL QUESTION PERIOD

Winnipeg Jets Agreement Legislation

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

On May 2, 1994, during the Premier's Estimates, we were dealing at length on the issue of the operating loss agreement that the government had signed with the Winnipeg Jets hockey team.

Mr. Speaker, at that time, which was prior to the Auditor's report dealing with the projected losses to the year 1997 of some \$43.5 million, I asked the Premier whether they had, in fact, looked at the contingency plan on this agreement and whether they would consider legislation to cancel this agreement to protect the taxpayers for losses. The Premier at the time indicated: I think it is fair to say that I have looked at all of the options.

I would like to ask the Premier today—they were in cabinet today—have they looked at the option of legislation to deal with the operating losses of the hockey team and the liability of the taxpayers?

Hon. Gary Filmon (Premier): Mr. Speaker, the situation prevails that even despite the worst-case scenario figures that are put out with respect to potential liability of the taxpayer for losses of the Winnipeg Jets, the amount of direct government revenue as taxes to governments—all three levels of government—will be more than double over the course of the agreement, the potential worst-case scenario liability for losses.

So, under those circumstances, this may be the Leader of the Opposition's idea of fairness, that you say to businesses, we are going to collect all the taxes from you, but we are not going to go along with the agreement that forces you to stay here that requires as part of that agreement for the

taxpayer to be liable for losses. So that does not strike me as the kind of intervention that governments ought to do, where they collect double the amount in taxes that they are liable for in losses in requiring the Jets to stay here as part of the bargain, Mr. Speaker.

* (1335)

Federal Government Involvement

Mr. Gary Doer (Leader of the Opposition): Mr. Speaker, I am sorry that the Premier is not looking at that issue as a possible option or contingency to deal with this plan. The Premier consistently mentions the issue of taxes. The majority of taxes flow to the federal government.

Has the Premier involved the federal government at all in the deliberations that are going on and the solutions to the hockey team? They are the majority benefactor of the taxes that the Premier cites, and the Premier has not indicated whether they have discussed this with the lead federal minister. Have they involved the federal minister at all?

Hon. Gary Filmon (Premier): Mr. Speaker, we specifically asked the Burns committee to share whatever briefings they gave to both the mayor and to myself during the course of their deliberations with Mr. Axworthy. I believe, as recently as last week, the Minister of Finance (Mr. Stefanson) spoke directly to the federal lead minister to ensure that he was fully informed and to assess his commitment to participation in any solution.

Public Accounts Committee Winnipeg Jets

Mr. Gary Doer (Leader of the Opposition): Mr. Speaker, there are some projected losses, well over \$36 million over the next 36 months of the agreement which, of course, is almost a million dollars per month. All members of this Chamber and all members of the public want to solve this issue and protect the liabilities of the taxpayers.

Would the Premier agree—and I have asked him a number of times—to bring any recommendation from the Burns committee to the Public Accounts

committee of the Legislature so that all parties could be involved? Would the Premier look at involving all parties in the various options that would be available to the Burns committee, involve all parties with the public through the Public Accounts committee?

Surely some of the proposals to deal with the CRTC in terms of revenue, to deal with the salary caps that deal with some of the other challenges we would have, make a lot more sense being shared with all parties, rather than waiting some 30 months after an original agreement is signed for us to find out the loss projections of \$43.5 million. Surely we can do this, hopefully, meet this challenge in a much more collective all-party and public way following the Burns report rather than what has happened here, questions and answers back and forth across the House and information not being provided to the public for some 30 months after the agreement was signed.

Hon. Gary Filmon (Premier): Mr. Speaker, the mock sincerity that drips from the mouth of the Leader of the Opposition does him no credit. We will go better than that. We will give the information to the public directly so that they can deal with that, rather than be confined to having a partisan political debate in which the Leader of the Opposition does everything within his power to try and drive the Winnipeg Jets out of Winnipeg. We will take it to the public who do not have that kind of cheap vested political interest in mind.

Point of Order

Mr. Doer: Mr. Speaker, the Premier is imputing motives, and clearly, it was the Premier that withheld the information from the public in November of 1991 and has created the mess in this arena.

Mr. Speaker: Order, please. The honourable member, in fact, in his remarks clearly indicated it is not a point of order. It is a dispute over the facts.

Manitoba Home Renovation Program Untendered Contracts

Mr. Steve Ashton (Thompson): A number of weeks ago, I asked questions in this House in

regard to government advertising, in particular, whether a contract had been issued that was untendered in terms of the Home Renovation Program, in terms of that advertising.

I still have not received a response, and, in fact, I would like to ask the Premier, Mr. Speaker, if Foster/Marks has been given an untendered contract worth \$2.4 million, if he can indicate what the terms of the agreement are and whether, in any way, shape or form, the company Biggar Ideas was involved.

Hon. Linda McIntosh (Minister of Housing): I want to thank the member because he has saved me the trouble of trying to catch your eye later in this period, Mr. Speaker. I was given two questions when I was at the Housing ministers conference. One of them was the question that has just been asked, and I have that response.

May I give both responses at this time, and save getting up later?

* (1340)

Mr. Speaker: Sure, go ahead.

Mrs. McIntosh: The question that was put which is being repeated here now, I believe was a concern that we had used a Saskatchewan firm. It is not a Saskatchewan firm.

As the member knows, when we announced the Home Renovation Program in the budget, there was tremendous interest by the public. A great number of calls, some 400 a day in fact, began coming into the office. As part of an economic development initiative, Foster/Marks did present an unsolicited proposal to Industry, Trade and Tourism, and it was felt that that was timely, and it was taken up on that.

It is a Manitoba firm. They do have a subcontract which is also a Manitoba firm, and all the subcontracting was indeed tendered. My understanding, the total of this will be, including production, air time and all of the other things connected with it and the agency fees, in the neighbourhood of \$140,000, Mr. Speaker.

That is the response to the one question. The other—I will try to do very quickly for you, sir, was a question posed on 817 Main Street, and the

problem with the parking lot there. In answer to the member whose concern on the issue, I think, probably involves some of his constituents, the staff from Housing did indeed meet with the tenants. The tenants have expressed a preference to have the parking lot developed on a vacant lot which MHRC owns adjacent to the property, and we have agreed to do that, and we are processing all the necessary documents to have that done at this time.

Mr. Ashton: Well, Mr. Speaker, there are continuing concerns in terms of government advertising.

I want to ask again in terms of Foster/Marks, whether there is indeed any other contract untendered, Mr. Speaker, and, in fact, if the minister can confirm the total amount of untendered contracts for advertising that this government has engaged in at a time when we are still waiting for the government to bring in the guidelines that the Auditor has said are necessary for government advertising.

Mrs. McIntosh: Well, Mr. Speaker, as I have indicated, the contract that is going for the advertising, for the Home Renovations budget, I understand, in total, including all the subcontracting, will be in the neighbourhood of \$140,000. Those bills are not in yet, but that does include, as well, the purchase of air time.

I am surprised that the member would not want us to get this information out to the public on creating jobs for Manitobans, on improving the housing stock, on enabling people to do renovations in their homes, something that we thought they had supported. As you know, as I have indicated, we began to receive some 400 calls a day. We have now had in the neighbourhood of about 10,000, over 10,000 calls on this issue.

The advertising is certainly helping to answer some of the questions that people have had to give us. It is helping very much with letting people know they have to have two estimates, those kinds of details to help them in filling out their application forms. I am very pleased to see that we are responding to people's requests for information in that way.

Mr. Ashton: Mr. Speaker, we are in a pre-election period. We are seeing the government with lotteries ads. We are seeing the government with untendered contracts for advertising in terms of this particular program, and I asked specific questions, and I will ask them again—because all I have received is information on a question I asked two weeks ago—and that is in regard to this contract, whether Foster/Marks has been engaged for a contract of this nature, whether Biggar Ideas has been involved, and when we are going to see the guidelines for advertising, for the kind of political advertising we are seeing from this government, as the Auditor has requested.

When are we going to have the government clean up its act in terms of advertising?

Mrs. McIntosh: Mr. Speaker, I have seen those television ads for the Home Renovation Program, and I do not find them to be political ads. They indicate what the program is, what the intent of the program is and what opportunities the people have to find out more and take advantage of the program. It does not say Gary Filmon. It does not say Progressive Conservative. It says Home Renovation Program. [interjection] Well, that is what the member is implying, Mr. Speaker.

It says Home Renovation Program and explains it. It answers for people some of the same questions that we are answering when people phone in to our office. It is saving government staff time in terms of having to answer the questions that come unsolicited. The contract that I am aware of is in the area, as I said, of about \$140,000. It was an unsolicited proposal and all things flowing from that have been contracted and they are all Manitoba firms, not Saskatchewan firms as alleged by the member opposite.

* (1345)

Manitoba Home Renovation Program Untendered Contracts

Mr. Paul Edwards (Leader of the Second Opposition): Mr. Speaker, my question is for the Minister of Consumer and Corporate Affairs.

The question has been asked, and perhaps the minister has not had it isolated and put clearly enough, but I think the members of this

House—[interjection] Well, he did a good job, but I want it to be clear because I think the 57 members of this House want to know.

Are there any government advertising contracts which have been given which involve directly or indirectly Biggar Ideas, and more specifically, Ms. Barbara Biggar?

Hon. Jim Ernst (Minister of Consumer and Corporate Affairs): The member asked the question of the Minister of Consumer and Corporate Affairs, which is myself, Mr. Speaker. I do not know.

Mr. Edwards: Mr. Speaker, for the Premier—the minister obviously does not know—does the Premier know whether or not there are any current contracts which have been let, tendered or untendered, in which Biggar Ideas, the company, or Ms. Barb Biggar are in fact receiving government funds?

Hon. Gary Filmon (Premier): I have no information on that matter.

Mr. Edwards: Mr. Speaker, will the Premier report back to the House on that issue and take this question as notice if he needs to do that? I would think the government would be monitoring that type of situation, which clearly, I think, would be inappropriate, and I look forward to the First Minister reporting back.

Mr. Speaker, let me ask, secondarily, to the First Minister: When will we receive the guidelines which have been promised by this government and which have been specifically requested by the Auditor in this critical period of time governing advertising and advertising expenditures and, in particular, untendered contracts for advertising by the Province of Manitoba?

Hon. Eric Stefanson (Minister of Finance): Mr. Speaker, it has been suggested twice now by the Leader of the Second Opposition and by the member for Thompson (Mr. Ashton) that the Auditor requested this. The Auditor did not request that guidelines be put in place. She suggested that the matter be reviewed as a follow-up to a letter that came from the Leader of the Opposition (Mr. Doer).

Everybody in this House is also well aware that those kinds of guidelines by and large do not exist in other levels of government. They certainly do not exist with the federal government today; they do not exist with most provinces, but we are doing a review of it. The Auditor did forward some information at the end of April, just six weeks ago. It is an issue that we are reviewing, and we will be reporting back, both with our findings and with the results of that in due course once we have done it.

But it is not as though—for opposition members to stand up and paint that these kinds of things exist in governments across Canada at the federal level, they do not. We are into new territory. We are pursuing the issue. We are reviewing it, and we will report back at the appropriate time.

Neurosurgeons Availability

Mr. Dave Chomiak (Kildonan): Mr. Speaker, when the MMA deal was signed we raised concerns about the impact it would have on specialists working in the province of Manitoba. At the time, the minister stated to our concerns that our fears were groundless and that he had the right to adjust any final fee schedule.

Today, we learned that one of the province's top neurosurgeons, one of four, Dr. Michael West, is going to the United States. Last year, we lost our only child cardiologist, so children had to be transferred out of the province for cardiac surgery.

My question for the minister is: Will he tell us what involvement he had in trying to ensure that Dr. West remained in the province of Manitoba? As early as last year with my discussions with nurses, they were telling me that the four neurosurgeons were overworked and were having difficulty in the province of Manitoba. What involvement did he have to keep Dr. West here?

Hon. James McCrae (Minister of Health): Mr. Speaker, I have been involved in discussions with Health Sciences Centre, with St. Boniface General Hospital, with the government, of course, and with the University of Manitoba to address issues related to availability of specialists like neurosurgeons. I am told that people come and go at any given time in this country and in Manitoba,

and that is a personal choice that people make. I have not asked the individual in question all of the reasons for the decision he has made. But it is important that we have a strong program in place.

Yesterday the honourable member was asking about Bell-Wade and casting aspersions on the whole exercise. The whole exercise of Bell-Wade is to ensure that we have strong programs so that we can provide services to Manitobans, which is our No. 1 priority. The people I work for are the people of Manitoba, and so presumably does everybody else in this place. We want to have a strong program in which all the players are playing a part and pulling in the same direction.

* (1350)

Mr. Chomiak: Mr. Speaker, still, the minister refuses to table the \$230,000 Bell-Wade Report that maybe could help deal with some of these issues—still refuses to make that report public.

My supplementary to the minister: Will the minister avail himself to try to determine whether or not the clawback of \$35,000 to neurosurgeons as part of the MMA agreement was part of the consideration by Dr. West in leaving the province of Manitoba?—because I understand at the time of the MMA agreement, there was concern particularly amongst the neurosurgeons and other specialists about the clawback and the effect that might have on their practices in the province of Manitoba.

Mr. McCrae: Mr. Speaker, the honourable member asks about fees. As far back as May 10, our department was on record as being quite willing to address the issue of remuneration for these specialists, so the honourable member ought to rest assured that our department, as I am sure the department during the days when the government he supported was in office had, from time to time, these kinds of problems that developed with specialties in Manitoba.

It is not new. It is not new in Manitoba, Mr. Speaker. It is not new anywhere in this country that we always have before us the issue of keeping appropriate numbers and types of physicians available to the people in the province. This is indeed another good reason for our having a

Physician Resource Committee which is also there to assist in making sure that we have resources in the appropriate places where they are needed, so we can put the patient first. I remind the honourable member, we on this side put the patient first.

Mr. Chomiak: Mr. Speaker, if the minister is interested in putting the patient first, maybe he will do something about waiting lists and maybe he will do something about working conditions.

Will the minister make assurances to ensure that we do not lose any more neurosurgeons of the three that are remaining and do something to make sure that their working conditions are not such that they are on call all the time? That is one of the concerns that was raised to me, and that is one of the concerns regarding this. What will the minister do today to ensure that we do not lose any more specialists in Manitoba?

Mr. McCrae: The one thing I will not do, Mr. Speaker, which is what the honourable member and his colleagues advocate, is to act all by myself. That has been tried certainly back as far as 1987 when, without any consultation, major negative moves were made in very much a unilateral way.

We do not do it that way in this government. We work with the university. We work with both teaching hospitals in the department to work together to put plans together to recruit, to bring the specialists that we need to look after the patients' needs in Manitoba. There is more reason to hope that we will be successful with that approach than a government acting unilaterally as is being suggested by the honourable member.

Endangered Spaces Protection from Development

Ms. Marianne Cerilli (Radisson): Mr. Speaker, the issue I began raising yesterday illustrates clearly why the Sierra Club of Canada has given this government straight Fs on its environmental report card.

This government is failing to protect biodiversity for a number of reasons. One is that they are failing to protect endangered habitat. They are authorizing tree planting on endangered prairie habitat.

My question is for the Minister of Natural Resources.

Since we only have 2 percent of the 12 percent target for the Endangered Spaces Campaign, can the minister tell the House what his department is doing to ensure that designated areas are protected under this campaign and are not candidates for development and are not going to be allowed to have development on them without due consideration?

Hon. Albert Driedger (Minister of Natural Resources): Mr. Speaker, let me maybe make members aware of the little bit of background of what happened here.

Approximately 10 years ago, the administration of the day at that time set aside 50 acres in the Spruce Woods area for these Scotch pine tree plantings—10 years ago. Eight years ago they started that program, and it has been followed through the way it was started off by the previous administration. It was only in the latter years that the interest in terms of preserving prairie grass has developed.

Because of the interest that has been expressed and the concern that was expressed about the planting of the Scotch pines in the Spruce Woods area, my staff have consulted with the people concerned. A decision has been made that we will remove those 14,000 trees that were planted this year by volunteer workers and replant them somewhere else.

* (1355)

Ms. Cerilli: Mr. Speaker, for the same minister: Since it took a lot of work by a lot of people to ensure that the tall grass prairie site in Transcona was protected, can the minister tell us what mechanism this government has for ensuring that endangered spaces do not become eligible for development? Does the minister agree that we should consider protecting all the tall grass prairie sites in Manitoba?

Mr. Driedger: Mr. Speaker, I do not know whether the member is aware that we have a committee, the Endangered Spaces committee that basically is dealing with these issues on an ongoing basis. I meet with them from time to time,

and this is the appointed group that basically is looking at all areas, not just the tall grass prairie, but all aspects of endangered spaces.

I have all the confidence that they are looking and doing whatever they can which is in the best interest of preserving these areas. They report to me and when these reports come forward, I act on them.

Ms. Cerilli: Mr. Speaker, we are asking the government to be a little bit more proactive in ensuring that these sites do not become candidates for development in the way that they are.

I would ask the minister, since the government has given over \$1,000 in provincial grants for the constituency of Seine River to have planting of tall grass prairie, can there be a commitment from this government to work with the city naturalists to ensure that there is funding in place from the provincial government for the enhancement program of the tall grass prairie site in Transcona, Mr. Speaker, a site that has a lot of community support?

Mr. Driedger: I am going to give the assurance of not working only with the people in Winnipeg, but across Manitoba, all those people. Mr. Speaker, we basically have thousands of acres already set aside of the tall grass prairie in the member for Emerson's (Mr. Penner) riding out in the Tolstoi area, and more of it is being set aside all the time.

Mr. Speaker, I am very confident that the actions taken to date by this government and by my department in terms of preserving these things are second to none.

Manitoba Home Renovation Program Untendered Contracts

Hon. Gary Filmon (Premier): Mr. Speaker, I am responding to the question earlier this Question Period from the Leader of the Liberal Party and, as well, in part, to the question of the member for Thompson (Mr. Ashton).

Because I do not want any stories generated based on innuendo and speculation, I have sought verification of the facts of the questions that were asked. I am given to understand that Biggar Ideas

are not involved in the contract that has been awarded to Foster/Marks Advertising.

In response to the member for Thompson, the only issues involved in their work are two issues that flow out of the budget, which are the sales tax rebate on new home construction and the Home Renovation Program.

Provincial Judges Early Retirement Package

Mr. Gord Mackintosh (St. Johns): Mr. Speaker, my question is to the Minister of Justice.

We recently discovered that the government made a deal with seven or eight provincial court judges to essentially buy the judges off the bench, all in the face of court backlogs, the government closing of the courts for 10 days and record numbers of charges for violent youth offences, domestic violence and car theft.

My question to the minister is: How can the minister possibly justify paying each of these judges a lump sum, full year's salary next week at a cost of almost a million dollars to Manitobans on top of their regular pension, and on top of this, guaranteeing the judges a minimum of 80 days further work, and to top it all off, Mr. Speaker, paying each of these judges \$365 a day for each of these days worked?

Hon. Rosemary Vodrey (Minister of Justice and Attorney General): Mr. Speaker, again, we have discussed this several times in the past. As the member knows, there is no retirement age for provincial court judges. This was a one-time retirement window. It was led by the civil service. It has been accepted by some judges.

The member knows very well that the terms of the agreement were almost identical to the agreement that the former Attorney General in the NDP administration put forward to the judges when they were in power.

Mr. Mackintosh: Mr. Speaker, the minister misses the point. This is not the time to do such a thing.

How can the minister justify this deal as a priority for this government, when, for just one example, the government is refusing to continue

supporting help for victims in seven Manitoba communities? Will the minister cancel this deal?

Mrs. Vodrey: First of all, let me say that in the area of a court process that I have discussed many times exactly the time frame that due process takes to go through the courts, our court system is dealing with any backlog in an official way. That is being reduced in courts such as the Domestic Violence Court.

The member references assistance to communities that entered into an agreement with the RCMP with the full knowledge that when the agreement expired, they would then determine if they wished to continue the project. If they did, they would then look to find community funding to continue to support it.

* (1400)

Mr. Mackintosh: It is called offloading, Mr. Speaker.

My final supplementary is: At a minimum, will the minister table in this House the secret back-room deal brought in contrary to laws passed and brought in by this government, and let Manitobans see all the details?

Mrs. Vodrey: I absolutely reject the characterization of the offer that was made, led by the Civil Service Commission. I absolutely reject the characterization. In fact, it is unspeakable.

Again, it is our position and the position of the civil service that this offer was made outside of the scope of the provincial court judges act because it is a one-time only severance package.

Neurosurgery Service Consolidation

Ms. Avis Gray (Crescentwood): Mr. Speaker, it is not clear today as to exactly what the Minister of Health plans to do in regard to the leaving of a neurosurgeon from Manitoba. In fact, Dr. Norman Hill, who is head of the neurology teaching program, has spoken with the Deputy Minister, Mr. Frank Maynard, and there is some discussion about a solution to the problem.

One of the suggestions is that the department look at a consolidation of services for neurosurgery because one of the difficulties for

neurosurgeons is that they cannot get operating time, and they have difficulty accessing facilities.

My question for the Minister of Health: Is he prepared to look at this possible solution to see if in fact we cannot consolidate the services to ensure that specialists such as neurosurgeons and other specialists are not continually leaving Manitoba?

Hon. James McCrae (Minister of Health): That is one of the approaches that can be looked at. What we need to have in Manitoba is one program. That is what is underlined, I believe, in a lot of the discussions surrounding the Bell-Wade Report. This would have the effect that the honourable member seems to be saying it would. Those things are being explored.

You see, what we want to do is have a program that provides good service, attracts the kinds of professionals that we need to have and keeps them here. Those who oppose these kinds of improvements really oppose having a neurosurgery program at all in Manitoba. Those people are not being helpful.

Those who promote improvements to a program that will be a strong program will enjoy the kind of reputation we want it to enjoy so that it will attract the kinds of professionals that we want. That is what we are all working together to achieve, but there are those who are working against us, unfortunately.

Ms. Gray: Mr. Speaker, the Bell-Wade Report recommends two neurosurgery facilities, but neurosurgeons are now saying, months after that report has been released, that in fact they would like to look at one facility and look at a centre of excellence.

I am still asking the same question. I need to know from this minister what exactly is he prepared to do to meet with the neurosurgeons, to meet with other people from St. Boniface and Health Sciences Centre, to ensure that in fact we can reach a solution to specialists such as neurosurgeons leaving Manitoba. What exactly is he prepared to do?

Mr. McCrae: Well, the very thing the honourable member suggests is part of the strategy, part of the

plan here to meet with the practitioners, but also to meet with the hospitals involved.

It was only recently basically that the department became part of this discussion, because up until recently these programs had been hospital programs, and now we are working more closely together, which I suggest is a laudable thing to do and the kind of thing that might have more likelihood of yielding the kinds of results that we need.

I do not have all the proposals myself, as some people pretend that they have. They have all the answers. Well, you get the answers, Mr. Speaker, by doing what the honourable member is suggesting, and that is, sitting down with the professionals, with the hospitals, with the university. All of these players are key, and you cannot leave one out and hope to achieve success.

Ms. Gray: I have a final supplementary to the minister. He and I may disagree on what the word "recently" means, but the Bell-Wade Report was completed in October 1993. Can the minister give us a time frame of when we may see a solution to the concerns expressed by the neurosurgeons who are here, in terms of their ability to access facilities, and can that plan be used in regard to other specialties so we can ensure that Manitobans have the appropriate care they need?

Mr. McCrae: Well, let me give the honourable member the assurance that we will take whatever measures are necessary to take to ensure that services continue to be provided while we formulate an effective permanent neurosciences program of which neurosurgery is one component.

The department is not prepared to stand by and allow a service to deteriorate while we address these problems. I give the honourable member that assurance that measures will be taken. As to what those measures will be, I do not need to answer because we are hoping we can bring matters to a successful conclusion by the time the individual who has indicated a wish to leave the province—by the time that person is gone, then we hope to have the matter resolved.

Highway Construction/Maintenance Northern Manitoba

Mr. Oscar Lathlin (The Pas): Mr. Speaker, my questions this afternoon are directed to the Minister of Highways and Transportation.

This government has shafted northern Manitoba by increasing spending elsewhere in just about every department of this government, but particularly the Highways department this year is earmarking the lowest levels in funding in over 15 years in its budget.

Last year, the previous minister repeatedly took as notice concerns that I raised in this House on the Moose Lake road and 391.

I would like to ask the minister, Mr. Speaker, to explain why he has earmarked \$109 million for spending in southern Manitoba as compared to a mere \$5 million for the North where the need is the greatest.

Hon. Glen Findlay (Minister of Highways and Transportation): Mr. Speaker, the member does not quite have his facts correct. The \$109 million is for all of Manitoba. It is a very large commitment by this government. We have maintained the commitment around \$109 million, \$110 million in the last two years.

When the NDP were in government, Mr. Speaker, they dedicated only \$85 million, and Saskatchewan, who has 50 percent more roads than we do, only dedicates \$62 million. So Manitoba has done a very effective job in maintaining its commitment to the capital budget for Highways.

Mr. Speaker, northern Manitoba, southern Manitoba, there are many more projects that can be handled in any given year, usually about six projects to one that can be handled.

We are continuing to commit around \$6 million a year to roads in northern Manitoba. It has been a record that has been in place for some time, and I know there is more—[interjection] Mr. Speaker, the northeast Perimeter, as an example, has been waiting since 1969 when the Ed Schreyer government came into power, 25 years for that to be built. It is being built this year. So that

government had turned back a number of projects that should have happened all over Manitoba.

We are committing significant money to northern Manitoba, to all of Manitoba, \$109 million in total, a record that is second to none in western Canada.

* (1410)

Mr. Lathlin: Mr. Speaker, I travel these roads practically every week in northern Manitoba in my riding.

How many more accidents, how many more reports of damage to vehicles will it take for this minister to act on, for example, the 384 provincial highway? Is he waiting for the RCMP to put out yet another press release saying that the road is unsafe?

I would like to ask the minister: Will he consider making adjustments to his budget so that distribution of funds in Highways and Transportation spending could be more equitable, and shift some of those funds from southern Manitoba to northern Manitoba where they are needed the most?

Mr. Findlay: Mr. Speaker, the funds that we expend in Highways capital and in maintenance are needed all over the province. I am responsible for people all over the province. That member has a very local interest. He is not interested in all Manitobans. In this day and age, Manitobans travel all over Manitoba. We are maintaining a significant commitment in that area of the province. Where a road is in less desirable shape than we thought it would be, we can, through the maintenance area, look after extraordinary maintenance and respond, and we do in locations where accidents start to happen.

I want to caution the member. We cannot meet absolutely every commitment that people want because the taxpayers have put significant control on the amount of resources we can have at our disposal. We must effectively and efficiently use them across the province, and we are.

Cross Lake, Manitoba Bridge Construction

Mr. Oscar Lathlin (The Pas): Mr. Speaker, we are not even asking for twinning of highways in the North. All we are asking for is that northern Manitobans receive the same kind of treatment that southern Manitobans take for granted.

I would like to ask the minister, given that the Northern Flood arbitrator had agreed that Cross Lake should get their bridge, why has this minister not ordered an engineering study of that project? Why are they not going ahead with that project?

Hon. Darren Praznik (Minister of Northern Affairs): Mr. Speaker, I am sure the member for The Pas is fully aware that the issue of the bridge under the Northern Flood Agreement did go before an arbitrator. A ruling was made. The arbitrator sent it back to the parties to work out details, and they have agreed on a process to settle that particular issue.

That is under negotiation in the agreed-upon process, and that may not lead necessarily to the construction of a bridge. That is for the process to determine. So it really becomes an academic question whether or not the department would prepare that work.

Health Care Facilities Violence—Reporting Protocols

Ms. Becky Barrett (Wellington): Mr. Speaker, there are currently no standard protocols in Winnipeg emergency rooms dealing with injuries as a result of abuse, assault and neglect.

What steps is this government taking now to ensure that there are standardized protocols established in all city hospital emergency rooms to establish standard reporting, care and treatment protocols to deal with violent injuries?

Hon. James McCrae (Minister of Health): Yes, Mr. Speaker, it has become apparent there is not a uniform policy amongst the hospitals in Manitoba on this point. It is because of that and because of our concern about violence in Manitoba that I have moved today to ask the Department of Health to bring together the Department of Justice, the major police forces, the Manitoba hospital organizations,

so that we can sit down and decide on the appropriate kind of protocol.

I am not in a position today to make legal determination about people's rights to privacy and all of that, but it does concern me somewhat, Mr. Speaker, that policies might exist in some places that allow people to be abused and nothing gets done about it.

So it is because of my concern about that, that I have asked that these parties get together to bring together some protocols as the honourable member suggests.

Mr. Speaker: Time for Oral Questions has expired.

NONPOLITICAL STATEMENT

Dr. Ken Warren—Wildlife Habitat Donation

Mr. Speaker: Does the honourable member for Turtle Mountain have leave to make a nonpolitical statement? Leave? [agreed]

Mr. Bob Rose (Turtle Mountain): Mr. Speaker, from time to time, we are heartened by the unselfish acts of Manitobans. It is my pleasure to mark today a generous contribution to Manitoba by Dr. Ken Warren, a retired veterinarian in Killarney. Dr. Warren is donating 158 acres of prime wildlife habitat to the Manitoba Habitat Heritage Corporation.

This quarter section is on the south shore of Rock Lake in beautiful Pembina River Valley. Al Bourrier, field representative of the Manitoba Habitat Heritage Corporation, describes the parcel as very important wildlife habitat. This section is a continuous, pristine, solid piece of forested land that is predominantly oak with some pockets of birch and hazelnut, and it is uninfluenced by human activity. Now it will be protected in perpetuity for wildlife habitat.

It was my pleasure last winter to present Dr. Warren with the Canada 125 medal in recognition of his past contributions, and on behalf of all Manitobans, I thank Dr. Warren and his family for this most recent generous contribution to present and future Manitobans.

ORDERS OF THE DAY

House Business

Hon. Jim Ernst (Government House Leader): Mr. Speaker, there have been discussions amongst House leaders with respect to Estimates consideration for tomorrow, Thursday. Would you seek unanimous consent of the House to set aside everything we have done up to now, and in the Chamber to consider, firstly, the Estimates of the Department of Government Services, followed by the Estimates of the Department of Consumer and Corporate Affairs in the morning, and in the afternoon, the Estimates of the Department of Housing. That is in the Chamber: Government Services to be followed by Consumer and Corporate Affairs in the morning, Housing in the afternoon.

Mr. Speaker, in the committee room 255, starting at 9 a.m. with the Estimates of the Department of Highways, followed at 10:30 a.m. by the Department of Finance in the morning, and in the afternoon, the Estimates of the Department of Labour. So in the committee: Highways at nine o'clock, Finance at 10:30 and Labour in the afternoon.

Mr. Speaker: We had previously agreed to alter the sequence of the departments coming forward for their routine Estimates. Now I am asking for unanimous consent of the House to waive whatever we have done up to now, and we are going to ask for leave to bring forward the Departments of Government Services, Consumer and Corporate Affairs in the a.m., and the Department of Housing in the Chamber. Let us get that agreed first.

Is there agreement to alter the sequence to allow Government Services, Consumer and Corporate Affairs and then Housing here in the Chamber? Is there leave on that? [agreed]

Now, again, starting tomorrow morning, as previously agreed, as regards the Departments of Highways, Finance and Labour, I believe Finance will start at ten-thirty, if I understood the minister correctly, and then we will carry on with the Department of Labour in Room 255. Is there leave for that? [agreed]

Mr. Ernst: Mr. Speaker, I wonder if you would seek leave of the House to cancel private members' hour today.

Mr. Speaker: Is it the will of the House to cancel private members' hour today? Is there leave? [agreed]

There will be no private members' hour.

Mr. Ernst: Mr. Speaker, I have a lengthy list of bills which I would like you to call in this particular order. Perhaps I will go slowly. Bills 13, 21, 3, 4, 24, 7, 8, 10, 5, 12, 13, 14, 18, 23, 15, 16, 17, 26.

* (1420)

An Honourable Member: You have 13 twice.

Mr. Ernst: Did I have 13 twice?

Mr. Speaker: Yes, you had 13 twice.

Mr. Ernst: I think it is 3 then.

Mr. Speaker: No, 3 is the third one.

Mr. Ernst: I presume, Mr. Speaker, that the first time I called Bill 13 is probably Bill 3— [interjection] No, oh, okay.

Okay, 13 is first. Then take out Bill 13 for the second time. I apologize, Mr. Speaker.

Mr. Speaker: No problem. We understand.

Mr. Ernst: That is the list they gave me.

Mr. Speaker: Debate on second readings, on the proposed motion of the honourable Minister of Consumer and Corporate Affairs (Mr. Ernst), Bill 13, The Condominium Amendment Act; Loi modifiant la Loi sur les condominiums—

Mr. Ernst: I am sorry, Mr. Speaker, I understand that Bill 26 is actually second reading. What I would propose to do is to call Bill 26 first, then call Bill 13 and so on.

Mr. Speaker: We can do that too. Okay.

SECOND READINGS

Bill 26—An Act to amend An Act to Protect the Health of Non-Smokers (2)

Hon. James McCrae (Minister of Health): Mr. Speaker, I move, seconded by the honourable

Minister of Environment (Mr. Cummings), that Bill 26, An Act to amend An Act to Protect the Health of Non-Smokers (2) (Loi no 2 modifiant la Loi sur la protection de la santé des non-fumeurs), be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. McCrae: We recognize that smoking and secondhand smoke have the potential to cause long-term illness. In conjunction with this, we are committed to promoting healthy communities through early intervention and preventive measures. The intent of the amendments proposed for An Act to Protect the Health of Non-Smokers is defined clearly in the name of the act itself.

With these amendments we hope to define and clarify the intent of the legislation and to protect the health of Manitobans. These amendments do not introduce new restrictions for tobacco control, but we believe that the changes reflect our government's commitment to tighten up restrictions on the sale of tobacco to minors.

One of the changes is the removal of the word "knowingly" from the existing legislation, which will now put the onus on the vendor to ascertain that the customer is of age. If we can prevent Manitoba's youth from gaining access to cigarettes, we will be helping to keep them healthy now and in the future.

Manitobans have made it clear that they do not want cigarettes to become easily available to minors, and with these amendments we will be able to enforce smoking restrictions and tobacco sales.

The amendments also strengthen the legislation regarding smoking in public areas. In particular, we are requiring that proprietors take reasonable steps to locate smoking areas in a way that will minimize the drifting of smoke into the nonsmoking areas.

These amendments also limit the amount of space designated for smoking to 50 percent. In essence, these amendments enable us to enforce the act and to protect the health of nonsmokers in our province.

With these remarks, I submit this bill to my honourable colleagues for second reading.

Ms. Avis Gray (Crescentwood): Mr. Speaker, I am very pleased today to rise to speak on second reading on this particular bill. As I am sure other members of the House are aware, and the minister is aware, I had submitted a private member's bill that dealt with a component of this particular amendment that the minister has put forward. So I am quite pleased that the minister has put forward the amendment to An Act to Protect the Health of Non-Smokers and that we are toughening up legislation in regard to the ability of vendors to sell cigarettes to minors.

We know that with this particular amendment, as the minister has indicated, there is removal of the word "knowingly." There is a clarification so that if a vendor sells to individuals who are minors or who are basically those individuals who are underage, they have to assure that they took reasonable steps to ascertain that person's age. This will make it easier for vendors to be charged for basically breaking the law.

So we are very pleased to see this particular amendment. The minister has certainly added some other amendments to this particular act, which I as well and my caucus do support. As I read through the bill, I see that there is a toughening up of the legislation on banning smoking in public places. I think that is important, Mr. Speaker.

As we have started to see a change in attitudes about smoking in public places here in Manitoba, we note that in shopping malls, in schools, daycares, elevators and hospitals, there should be a ban on smoking except for designated areas, and we are very pleased to see that.

I hope as well that we will see enforcement. This is not something the minister can necessarily do directly, but we will see enforcement, particularly by shopping malls, of smoking so that we do not have any contravention of what the current legislation is in regard to smoking in public places.

I know that the council for a Tobacco Free Manitoba has some concerns in regard to this particular amendment of this bill. They are

concerned that, in fact, we should be going further to license vendors in regard to selling cigarettes.

I certainly look forward to hearing from the council for A Tobacco Free Manitoba at the committee stage of this bill. If there is some strengthening that we can do in this legislation, certainly I would imagine that the Minister of Health (Mr. McCrae) and, certainly, we would be prepared to put forward some further amendments to this particular piece of legislation.

As well, the Canadian Cancer Society and the Manitoba Cancer Society are also concerned about strengthening of this particular piece of legislation, so I am sure they will be pleased to see some of the amendments that we now have.

We had presented an amendment actually to this particular bill some two years ago, and we are glad that finally the government has chosen to actually put this amendment into place.

I also note that in this particular bill there is some discussion about vendors and restaurant owners to ensure that at least 50 percent of their restaurants are nonsmoking. I think what you actually find in a number of establishments that, in fact, more than 50 percent of their establishments are nonsmoking because there are so many people who prefer to sit in a nonsmoking section of a restaurant. In fact, you will oftentimes find in this day and age that the smoking area of a restaurant is in the minority.

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

I note with this bill that they are looking at minimizing as well drifting so that people who are in those establishments and prefer to be in a smoke-free area can really be in a smoke-free area so that drifting is minimized, whether that drifting is from the smoking area of a restaurant, or, in fact, is from staff or owners who may be working in the back of a particular restaurant.

So, by and large, Madam Deputy Speaker, we are very supportive of this particular amendment. I am pleased to see that the minister has brought it in because it certainly is consistent with my particular private member's bill that I had introduced, Bill

211. We look forward to this bill going quickly to the committee stage, and I look forward to hearing from particularly the Council for A Tobacco Free Manitoba and the Canadian Cancer Society on their thoughts on this particular bill.

Ms. Jean Friesen (Wolsey): I welcome the chance to put a few words on the record about this particular bill, and to say that generally I think we support this as a first step and look forward to our discussions in committee on this.

It is, I think, a first step that makes it more difficult for young people to smoke. The longer that we can enable young people to live in a smoke-free environment and not themselves to become addicted to smoking, I think the better it will be for all Manitobans and Canadians.

I think I welcome this bill particularly in the context of recent investigations in the United States, which have looked at the possibility that some tobacco manufacturers have indeed been creating very strong cigarettes with particularly addictive substances in them. It is certainly an area that is still under investigation, but anything I think which helps our young people to remain smoke-free is very important.

I know that the Canadian Cancer Society supports legislation like this and would encourage us, in fact, to continue with this legislation.

I think it also has important elements for the physical fitness of young Manitobans, and I am sure, as the Minister of Health is aware, that there have been recent standardized testing of physical fitness of Grade 4 and Grade 11 across Manitoba and that some of the results are quite startling.

I think the younger age at which students and young people are beginning to smoke may have some effect on the results of that kind of testing that we are seeing now.

* (1430)

I would also draw the member's attention to legislation in Australia which has particularly looked at the role of tobacco advertising at sports events and the way in which that has had an impact upon young people. I think that they have taken—initiated I think by the Senate—some

initiative to restrict the kind of tobacco advertising that takes place at sports events, particularly those which involve young people. That link between tobacco advertising and young people is something I think we as Canadians should be looking at as well.

So, on the whole, Madam Deputy Speaker, if we can—and I think any smoker or nonsmoker would see this—any way in which we can help our young people not to become addicted, not to become involved with cigarettes at early ages, the better it will be for our health as a community. Thank you.

Mr. Dave Chomiak (Kildonan): Madam Deputy Speaker, I, too, rise in support of the bill and I can indicate that I will be the last speaker for our caucus on the bill. We are prepared to pass this bill to committee today following my brief comments.

I am certain that you are aware, Madam Deputy Speaker, that the original bill was brought in unanimously by this Chamber under the direction and leadership of our Leader, Gary Doer. I think it is one example of the Chamber and the Legislature working together for the benefit of all Manitobans.

It is also an example of something that is too often overlooked in a health care field and that is the whole question of prevention and health promotion. It is often talked about in terms of actions about so-called health reform, but very little is done in that regard. It has been overlooked almost completely, except for several small instances, and this is one of them where we strongly support it because of the preventative nature of this act and because of the health promotion aspects of this particular act.

For that basis, we are very supportive of these changes, Madam Deputy Speaker. There has been a new realization in the community and amongst the public about the dangers of smoke and secondhand smoke and about the dangers of early addiction and addiction in general to nicotine. This bill goes part of the way towards recognition and prevention for young people, as well as providing for the prevention of secondhand smoke and the effects that may have on the health of individuals in general.

We certainly support and we had indicated before that we support the toughening up to remove the word "knowingly" from the legislation and change the onus provisions in order to make it more difficult for people under the age to purchase tobacco products. We also appreciate some of the changes with respect to the provision of secondhand smoke, and we also support the measures to tighten up the provisions as they relate to packaging and, hopefully, the prevention of the sale of kiddy packs and other matters as it relates to smoking, Madam Deputy Speaker.

So, in general, it certainly is a measure we support. We note that the bill does not include some changes that have been recommended by some individuals and some groups, namely, the licensing of retailers and the like with respect to the selling of tobacco. Although there is not an outright ban on vending machines in this act, I believe that problem has been taken care of generally. I hope it has been taken care of. That problem, of course, is the access that individuals under age may have to tobacco and tobacco products.

In general, Madam Deputy Speaker, in the spirit of co-operation, in the spirit of preventative health, in the spirit of health promotion, we are supportive, and I am sure this entire Assembly is supportive of the amendments to a bill that was unanimously supported and originally introduced by our Leader, the member for Concordia (Mr. Doer).

We are supportive of this, and I know that the member for Swan River (Ms. Wowchuk) asked questions of the minister several weeks ago on this very issue and tried to have the minister take a tougher stand. We are very pleased that this bill has come about. We are supportive, and we are anxious to see what will happen at committee.

With those few comments, Madam Deputy Speaker, I can certainly advise the House that we are supportive of this matter going to committee.

Madam Deputy Speaker: Is the House ready for the question? The question before the House is second reading of Bill 26. Is it the pleasure of the House to adopt the motion? Agreed? [agreed]

House Business

Hon. Jim Ernst (Government House Leader): Madam Deputy Speaker, through an inadvertence, we have discovered we have missed a bill. The order should now read, 13, 21, 19, followed by the rest of the list as provided.

DEBATE ON SECOND READINGS

Bill 13—The Condominium Amendment Act

Madam Deputy Speaker: On the proposed motion of the honourable Minister of Consumer and Corporate Affairs (Mr. Ernst), Bill 13 (The Condominium Amendment Act (Loi modifiant la Loi sur les condominiums), standing in the name of the honourable member for Burrows (Mr. Martindale). Is there leave to permit the bill to remain standing?

Some Honourable Members: No.

Madam Deputy Speaker: No? Leave has been denied.

Mr. Jim Maloway (Elmwood): Madam Deputy Speaker, I am very pleased to speak to this bill today. I understand that after my comments, I will be the last speaker for our caucus, and we will be sending the bill to committee; that is, if there are no speakers for the Liberal Party. There may be one. I understand that this particular bill, Bill 13, The Condominium Amendment Act, deals with the reserve funds that condominium corporations deal with on a day-to-day basis. The minister has been prevailed upon by people who are interested in this issue, in the condominium corporations, to allow them the right to invest the reserve funds in more open-ended investments.

On the surface of it, I do not think we have any real problem with the desire to do this. However, if I have any concerns about this particular initiative on the part of the minister, it would have to be with the regulations themselves. I do not think that we nor the minister would be prepared to see people in condominium corporations, or anywhere else for that matter, involving themselves in open-ended investments, because I know people can get caught into hysteria at various times in financial markets where they think that mutual funds is the thing to be in.

I have seen people put money into mutual funds in a major way and find out two or three months later, when the boom wears off, that they really have nothing to show for it. So to guard against imprudent actions on the part of condominium corporations or anyone else for that matter dealing with reserve funds, one has to be very conservative and very careful in what the legislation and the regulations allow the condominium corporations to do, otherwise we will be revisiting this in a couple of years after we uncover horror stories where people have invested the funds in vehicles and in fact have lost the funds because of it. I know that none of us here want to be party to that.

With those cautionary words, I would recommend this bill to the committee, and perhaps there we will hear what presenters have to say. Thank you very much.

Mr. Kevin Lamoureux (Inkster): Madam Deputy Speaker, we, too, would like to see Bill 13 pass into the committee stage, but we did want to put a few words on the record.

First of all, we acknowledge the importance of the mandatory obligation of condominium corporations, along with other organizations—and I refer to housing co-ops as other organizations that also require reserve funds built up, because those reserve funds are there so that the residents of both condominiums and owners, home owners if you like, have the financial capability or capacity to be able to make major repairs if it is deemed necessary for whatever reason.

So that is the primary reason why we have these reserve funds, and why it is so very important that the regulating and deciding in terms of how that money is put into a reserve, or into a trust account, is so very important. Because we do not want to see whether it is a housing co-op or, in particular, as we are dealing with in this particular bill, condominium corporations investing in money or investing in a financial plan that will see the potential of high risk which would cause, potentially again, that money to evaporate quite quickly.

* (1440)

Under the current system, we acknowledge that there is a need to allow more discretion for these condominium corporations to allow them the opportunity to get a bit better return than just a standard account that you would be able to pick up at a local bank.

The member for Elmwood (Mr. Maloway) raises some very valid points with respect to—sometime in the future, we do not want to be dealing with a bill of this nature saying: Look, there has been too much discretion, and this is in fact how money has been invested, and condominium corporations are now in a situation where those reserves have been depleted because a corporation decided to enter into a high-risk investment scheme.

So, again, it is to emphasize that the investment schemes should be at a low risk, but also allow corporations the ability to get a bit better rate of return.

Having said that, Madam Deputy Speaker, we are quite content to see this bill go to committee.

Madam Deputy Speaker: Is the House ready for the question? The question before the House is second reading of Bill 13, The Condominium Amendment Act; Loi modifiant la Loi sur les condominiums. Is it the pleasure of the House to adopt the motion? Agreed? [agreed]

Bill 21—The Manitoba Medical Association Dues Act

Madam Deputy Speaker: To resume debate on second reading of Bill 21 (The Manitoba Medical Association Dues Act; Loi sur la cotisation de l'Association médicale du Manitoba), on the proposed motion of the honourable Minister of Health (Mr. McCrae), standing in the name of the honourable member for Thompson (Mr. Ashton).

Is there leave to permit the bill to remain standing?

Some Honourable Members: No.

Madam Deputy Speaker: No. Leave has been denied.

Mr. Dave Chomiak (Kildonan): Madam Deputy Speaker, I can indicate that with respect to this bill, I will be the last speaker for our party, and we will

be passing this particular matter on to committee. Although I must tell you that there is a great interest in our caucus, a good deal of interest in speaking to this matter, in order to expedite the process, we are allowing it to go to committee.

There is a good deal of interest in this particular bill that has been brought in, particularly insofar as this is the anniversary this year of the introduction of the Rand Formula into Canada, and insofar it is the anniversary of many other momentous events in terms of working people this year, in the 75th anniversary of the Winnipeg General Strike, as well as the 25th anniversary of the election of the first New Democratic government in the province of Manitoba.

In that spirit we are returning to the Manitoba Medical Association, in that spirit we are giving to them the right, the Rand Formula, that has been given to other working men and women.

An Honourable Member: When did they lose it?

Mr. Chomiak: The member for Thompson (Mr. Ashton) asks, rhetorically, I suggest, when was that right lost, Madam Deputy Speaker? I asked the minister that question, in fact, during debate on this bill, and the minister was uncertain, but I can advise the minister that it was during the tenure of the present administration, and, in fact, I believe it was in 1991.

Yes, the formula was already in the Manitoba Medical Association act, Madam Deputy Speaker, and members opposite then took it upon themselves to remove that right and spoke very strongly against that right, and now we see a complete about-face. If there was any more of a turn beyond 360 degrees, this is indeed it, and the members opposite have reintroduced this particular amendment for our passage. As I indicated, we are prepared to pass this.

As I understand it, Madam Deputy Speaker, this amendment is introduced as part of a package, I believe, as a result of negotiations between the Manitoba Medical Association and the government of Manitoba respecting the introduction of an agreement—some would call it a collective bargaining agreement between the government of Manitoba and the Manitoba

Medical Association. As part of this agreement, the Manitoba Medical Association reacquires the right, albeit with some changes, to have the right to collect payments, annual dues and assessments from medical practitioners.

We have long supported this right as the right for individuals in our society. It has been recognized in labour legislation; it has been recognized in other jurisdictions; it has been recognized in labour law in general and in arbitrations, the existence and the requirement and the need for rights of this kind in order to allow for fair, equitable bargaining rights and distribution of power between management groups, labour groups, and between groups in general.

I am very pleased by the conversion of members opposite. I am pleased by the conversion of the member for Pembina (Mr. Orchard), who will undoubtedly vote to support this measure, which is somewhat contrary to the measure introduced three years ago in which the right was removed.

I am sure that members opposite will vote en masse, recognizing the error of their ways. Perhaps this new recognition on the part of members opposite, perhaps this new acknowledgement will be a forerunner of some changed thinking on the side and in the thoughts of members opposite. Perhaps they will now begin to accept suggestions from this side of the House with respect to their so-called health reform, suggestions that are made every day by members of this side of the House for improvements and for changes, and I dare say reflective of the viewpoints of Manitobans.

Perhaps this is the first hope and this is the first chink in the armour of the members opposite to begin to actually dialogue and consult with Manitobans respecting their health reform agenda, a health reform agenda that is badly off the rails and badly in need of changes.

One hopes, with the recognition of this right and with the recognition of the 360 degree turn made by the members opposite on this bill, that perhaps they will begin to recognize that other Manitobans want a say in their so-called health reform policy, that other Manitobans want some input, because health care in general is a right and it is something

that we all have a stake in. We all have a contribution to make, but I dare say it has been a closed shop. Ironically, I use a labour word. It is a closed shop with members opposite, and—

An Honourable Member: And a closed mind.

Mr. Chomiak: And closed minds. For far too long it has been held in the hands of the Minister of Health and his deputy minister and a cluster of committees, of which high-priced consultants do reports, like Connie Curran \$4 million, like Bell-Wade \$230,000. We hear again the minister refusing to release this information to the public for discussion. Perhaps this passage of this and the introduction of this amendment is a step on a new road and a change of heart and a change of direction by the government.

I note that the member for Crescentwood (Ms. Gray) is anxious to get in the discussion and reminds me that perhaps in the comments I have made, I have basically stated our position in support of this position. Acknowledging and recognizing that we are trying to deal with bills and that we want public discussion through the committee stage, I will limit my remarks and indicate that members on this side of the House are supportive of this particular initiative.

We hope that it is a signal from this government of a change in attitude and a change in desire and design, because if that occurs, then it will be a benefit to all Manitobans and it can only help improve not only the health climate, but the political climate in this province. Thank you, Madam Deputy Speaker.

Ms. Avis Gray (Crescentwood): I rise to put a few comments on the record about Bill 21, The Manitoba Medical Association Dues Act. I will be the speaker from our caucus who will be speaking on this bill, and we are prepared to pass this piece of legislation to the committee stage, Madam Deputy Speaker.

As the member for Kildonan (Mr. Chomiak) has said, it is, shall we say, passing strange that the government has done a complete flip-flop on this particular issue in regard to the payment of dues and other payments that are required by members of any union, in this case, the physicians in

Manitoba. It was in 1991 that the former Minister of Health, the member for Pembina (Mr. Orchard), repealed legislation which talked about mandatory payments for members of the medical profession. So I recognize that, of course, this is part of the negotiations and part of the compromises that were made in regard to the government when they negotiated with the Manitoba Medical Association.

I recognize as well that there are, I think it is, some 600 or 700 doctors who do not currently pay dues to the Manitoba Medical Association, and I recognize that there will be some controversy about this particular legislation. There are some physicians who feel strongly that they should not be required to pay dues. However, Madam Deputy Speaker, I believe that it is important for a bargaining unit, in this case, the Manitoba Medical Association, to have the opportunity to ensure that they do get the required dues in order to perform the duties for the best interests of their association, and I do not have a problem with this particular piece of legislation.

I could get into a lot of discussions about other areas about the Manitoba Medical Association agreement, and some of the concerns that we have in regard to that particular agreement. Of course, the minister is aware of a number of those concerns because we have raised them during Question Period and during the Estimates process, but that would not be strictly in keeping with this particular piece of legislation, which strictly does talk about payment of dues. This particular legislation as well, of course, does not apply to interns or residents.

We very much look forward to hearing from some of the physicians at the committee stage, at which I am sure physicians will be out to speak about support of this particular piece of legislation, and, as well, they will be out to speak about their disagreement with this particular piece of legislation.

It is interesting to note, however, Madam Deputy Speaker, that there has been a complete turnaround by this government in terms of what their principles and philosophy are in regard to

whether there should be mandatory payment of dues. I do not think, as we read the Minister of Health's (Mr. McCrae) comments and as we have read the former Minister of Health's comments, there is any sort of reconciliation as to why there has been that flip-flop in a position. Be that as it may, we are prepared to pass this piece of legislation to the committee stage. We look forward to hearing from members of the public as well as physicians about this particular piece of legislation. Thank you.

Madam Deputy Speaker: Is the House ready for the question. The question before the House is second reading of Bill 21, The Manitoba Medical Association Dues Act.

Is it the pleasure of the House to adopt the motion? Agreed? [agreed]

Bill 19—The Mental Health Amendment Act

Madam Deputy Speaker: To resume debate on second reading of Bill 19 (The Mental Health Amendment Act; Loi modifiant la Loi sur la santé mentale), on the proposed motion of the honourable Minister of Health (Mr. McCrae), standing in the name of the honourable member for Thompson (Mr. Ashton).

Is there leave to permit the bill to remain standing?

Some Honourable Members: No.

Mr. Steve Ashton (Thompson): Yes, I adjourned this for our critic, and I understand the Liberal critic may be speaking just prior to his comments.

Ms. Avis Gray (Crescentwood): Madam Deputy Speaker, again, in this particular Mental Health Amendment Act, we have seen a change that was brought forward in this act because of a particular court case that is pending. I would imagine that the Minister of Health and people in the mental health field feel that they need to have some enabling legislation in order to deal with situations that arise in regard to individuals who may apply to the Mental Health Review Board and ask for a disposition on their particular case.

What this particular amendment act is seeking to do is to allow that there be a second psychiatric opinion in order to reach a decision regarding

someone's treatment or in regard to someone's being admitted to a psychiatric facility, whether that be a hospital or whether that be a long-term facility.

This amendment, as I said, is a result of a court challenge that is currently underway where it was felt that the Mental Health Review Board could not compel a patient to testify, even though that particular patient had been the one who had initiated an application to the review board in the first place. This particular issue is still before the courts.

So what this particular amendment does is that it does allow for a second psychiatric opinion so that there are two psychiatric opinions in regard to—so that the appeal board has that information because, in fact, a patient, an individual, may not wish to testify at a particular hearing.

It will be very interesting, Madam Deputy Speaker, to see what the results of this court ruling are and whether the appeal of that court ruling is upheld or whether it is overturned.

There is a second amendment to this particular piece of legislation, and this allows, as I read this bill, for the sharing of clinical information with external agencies. Those agencies are limited to agencies which receive funds from government and also those agencies which are considered to be providing direct care to the patient or the individual.

It allows the agencies to share that information when there is an emergency situation which prevents the individual or the client from obtaining the consent. In other words, the client, if there cannot be consent obtained from him for whatever reason, it allows the agency that is providing direct care to actually provide information to third parties who are involved with that particular situation.

This legislation also indicates that it is an offence for the agency to disclose the information in any other situation or disclose that information to someone who is not in the direct need-to-know situation.

* (1500)

I have some concerns about the ability of this particular amendment to actually ensure the privacy and the rights of individuals who may have mental health difficulties. I will be very interested to see at the committee stage a number of the mental health advocacy organizations, a number of the self-help groups perhaps, that will come and speak to this particular piece of legislation.

When The Mental Health Act was first revised a couple of years ago, again there was a lot of discussion at the committee stage in regard to privacy rights of individuals who had mental health difficulties. Again, whenever we are looking at amending a piece of legislation, there are always concerns to ensure that in fact the privacy and the rights of an individual are upheld. So it would be very interesting to see the nature of the concerns of this particular bill as we reach committee stage.

I understand that the Manitoba Association For Rights and Liberties has expressed some concerns about this amendment. I believe they were consulted on the initial amendments, but they have raised some concerns.

Again, I will look forward to discussing those concerns with the various organizations at the committee stage to see if, in fact, we need to look at a strengthening of these amendments to ensure that the rights of the individual are upheld and that privacy rights are there.

That is the main concern with this legislation, and, of course, to ensure that, in fact, the best care for an individual can be maintained, that care is appropriate, that assistance for an individual who has mental health difficulties can be there, that there are not administrative barriers that impede that that care be given, that you balance that with the rights of the individual.

So, again, Madam Deputy Speaker, we in the Liberal caucus are prepared to pass this bill to the committee stage, and we will further be discussing these issues at that stage. Thank you.

Mr. Dave Chomiak (Kildonan): Madam Deputy Speaker, I can indicate that I will be the only speaker on this bill from our caucus, and we, too, are prepared to pass it to committee stages.

I will not be lengthy in my comments because, frankly, they reflect most of what was said by the member for Crescentwood (Ms. Gray), and basically, with regard to the first part of the amendment, the second-opinion provision, there already is a second-opinion provision contained in the act, which was extensively debated during the amendment of the act last year, I believe.

We do not see it as any taking away any additional rights, and based on that, and not taking away rights from individuals and not being necessarily mandatory, we do not, at this point, have any objection to that.

With respect to the second provision, the second amendment, of disclosure of information, we, too, have concerns about confidentiality and privacy, and we will pass it to committee, subject to comments at committee by those actually in the field who are involved and who will have to demonstrate to us that no rights are impeded or taken away from individuals by virtue of this particular amendment or are put into any kind of jeopardy of possible derogation of rights.

So, subject to that particular concern, which we will be looking to committee in order to obtain a direction, Madam Deputy Speaker, we are prepared to pass this bill to committee.

Madam Deputy Speaker: Is the House ready for the question? The question before the House is second reading of Bill 19, The Mental Health Amendment Act. Is it the pleasure of the House to adopt the motion? [agreed]

Bill 3—The Cancer Treatment and Research Foundation Amendment Act

Madam Deputy Speaker: On the proposed motion of the honourable Minister of Health (Mr. McCrae), Bill 3 (The Cancer Treatment and Research Foundation Amendment Act; Loi modifiant la Loi sur la Fondation de traitement du cancer et de recherche en cancérologie), standing in the name of the honourable member for Inkster.

Mr. Kevin Lamoureux (Inkster): I understand that we have had members from the caucus comment on this particular bill and indicate,

Madam Deputy Speaker, that we would like to see this bill passed to committee.

I just want to very briefly comment in terms of the makeup of the Cancer Research Treatment Foundation. I think it is, in fact, a step forward when we look at the amendment that is being brought forward, where we are trying to broaden the representation of members from society onto this particular board. I make special note of the St. Boniface board now being able to appoint someone, and the University of Manitoba Board of Governors being able to appoint someone, and also seeing indication from government to reduce the number of members that it would be, in fact, appointing per se, up to 10, I believe it is now. I mean, it will be after the bill receives Royal Assent, and also seeing that seven of the new board members would be appointed from within the foundation.

Anything that moves towards depoliticization of boards of this significance, Madam Deputy Speaker, I think, is a positive step, and if you take a look at how even the 10 that are going to be appointed, they have to be from certain geographic areas, from what I understand. Again, I think that is a positive way. It is ensuring that we are getting broader representation that is more all inclusive to sit on the Cancer Research Treatment Foundation, which, overall, is a step forward. Thank you very much.

Madam Deputy Speaker: Is the House ready for the question? The question before the House is second reading of Bill 3, The Cancer Treatment and Research Foundation Amendment Act. Is it the pleasure of the House to adopt the motion? [agreed]

Bill 4—The Energy and Consequential Amendments Act

Madam Deputy Speaker: On the proposed motion of the honourable Minister of Energy and Mines (Mr. Orchard), Bill 4 (The Energy and Consequential Amendments Act; Loi sur l'énergie et apportant des modifications corrélatives), standing in the name of the honourable member for Transcona (Mr. Reid).

Mr. Steve Ashton (Thompson): Madam Deputy Speaker, I will be speaking on Bill 4.

An Honourable Member: The bill is not standing.

Madam Deputy Speaker: Leave has been denied.

Mr. Ashton: Yes, I believe the member for Transcona adjourned it on my behalf as critic.

I want to put a number of comments on the record because there are a number of items covered by this particular bill, some of which in terms of conservation standards we do not have any difficulty with. I want to indicate, however, at the same time that we oppose this government's elimination of the Manitoba Energy Authority in a previous session of this Legislature.

This bill also deals with the further wind-down of the Manitoba Energy Authority. I think that is unfortunate because the Manitoba Energy Authority played a very significant role in terms of the negotiation of energy sales, which led to the development of the Limestone dam. I must indicate, Madam Deputy Speaker, to the House that we had hearings of Manitoba Hydro this week and the legacy that was left by the NDP government in the 1980s, which had the foresight to develop Limestone, is showing itself on a daily basis because now the NSP power sale, the 500 megawatt power sale that ran from 1993 and will run to the year 2003, is in place.

Madam Deputy Speaker, despite the fact we are having rate increases at or below the rate of inflation and the corporation is able to build up its reserves, we are still showing an annual profit. We are showing an annual profit this year of approximately \$60 million. That is because we now have record exports of power and because of the NSP power sale.

I realize there was some controversy in the 1980s. I know that the Liberals were most definitely opposed. They called Limestone lemonstone and said it would cost \$5 billion. It cost \$1.4 billion. They were only out by \$3.6 billion. Also, the Conservatives opposed the government sale at the time, the NSP power sale, and the construction of Limestone. I believe that

history has shown—a brief history between the time of which the negotiations were made—that it was the right move and, in many ways, it was because of the efforts of the Manitoba Energy Authority.

We are now in a position where the NSP power sale will expire in the year 2003. So we have a definite interest in extending further negotiations in terms of export sales. There are other mechanisms, too, Madam Deputy Speaker, that are involved in terms of energy conservation. We have raised those suggestions in committee. We have suggested there be a strong commitment to energy conservation. There is also a role in terms of export sales. We do not believe that the Department of Energy and Mines, which now has that mandate, has the resources to be able to do it. In fact, this government has eliminated the Manitoba Energy Authority and, at the same time, has cut back in the Department of Energy and Mines. That is absolutely not the route to go in terms of hydroelectric sales.

What is more, Madam Deputy Speaker, Manitoba Hydro has a number of mandates. It was very useful to have the Manitoba Energy Authority have the specific mandate that it did. It was very, very, very instrumental in the generation of this particular sale.

So we are very concerned about the elimination of the Manitoba Energy Authority, and we will be raising that in committee. I will say that we indeed will be looking at not only bringing in amendments, but whether we will indeed support the bill if it is unamended at third reading. We are dealing here with the second reading in terms of the principle.

There are aspects of this bill that we do not have difficulty with. For that reason, we will be allowing this bill to go to committee today, but I indicate that we will be scrutinizing the committee hearings very closely, and we do not agree with the winding down of the Manitoba Energy Authority, which, of course, was brought in by legislation previously and now is continuing.

We are concerned, particularly concerned that the government does not have a clear mandate in

terms of negotiation, even just related to the NSP power sale. I mean, that sale runs out in the year 2003. We have an obvious interest in having it extended. We have seen already some significant questions raised about this government in terms of what happened with Conawapa, the Ontario Hydro sale, where this government made it more easy for Manitoba Hydro to cancel the deal than to negotiate a five-year extension.

We now no longer have Conawapa as a possible project. In fact, even the environmental process has been stopped, and we feel that is unfortunate. There are obviously environmental concerns that will be expressed about any potential development of dams, but certainly Conawapa was a dam that could have been put through the environmental review process and could have been analyzed and could still be prepared for development.

We are concerned that the government has not only cancelled that deal, rather than negotiate a postponement, that there really is no evidence at this point in time, based on the committee hearings, based on the Energy and Mines Estimates, that the government has any real strategy in terms of hydroelectric sales, and, in fact, there is even some question about what the strategy is in terms of construction of new facilities. It has been shifted back now for domestic purposes.

Last year, we were looking at 2007 being the date in which we would need the construction of additional generating capacity. According to Manitoba Hydro, for Manitoba needs, we are now looking at the year 2010 because there has been a slowdown in energy consumption, partly because of the recession and partly because of a greater emphasis on energy conservation.

So the bottom line is we do not support the elimination of the Manitoba Energy Authority any more than we did when the original bill was brought in, but we are prepared to allow this matter to go through to committee, and we will discuss it and scrutinize it in some detail in the committee.

* (1510)

Madam Deputy Speaker: Is the House ready for the question? The question before the House is

second reading of Bill 4, The Energy and Consequential Amendments Act. Is it the pleasure of the House to adopt the motion? Agreed? [agreed]

Bill 24—The Waste Reduction and Prevention Amendment Act

Madam Deputy Speaker: On the proposed motion of the honourable Minister of Environment (Mr. Cummings), Bill 24 (The Waste Reduction and Prevention Amendment Act (Loi modifiant la Loi sur la réduction du volume et de la production des déchets), standing in the name of the honourable member for Inkster.

Mr. Kevin Lamoureux (Inkster): Madam Deputy Speaker, I know that there were a couple of speakers, both from the Liberal caucus and the New Democratic caucus who were wanting to speak on this particular bill so that we could hopefully see it pass this afternoon.

Madam Deputy Speaker, I understand that this particular bill does a lot in terms of talking about waste reduction. One can talk quite a bit about waste reduction and things that are necessary in order to try to prevent a number of what one would term as negative things that are out in the environment from occurring.

I know that our critic for Environment was wanting to speak on it, and that is the primary reason why I had adjourned debate. At this point in time, I am prepared to give her the floor.

Ms. Norma McCormick (Osborne): Madam Deputy Speaker, I am rising, by and large, to support the government's initiative with respect to the amendments to The Waste Reduction and Prevention Act. We are pleased to see that this act does, in fact, give more powers to the province than were previously there. We are looking for ways in which this enhanced power reached the desired outcome of waste reduction in Manitoba.

One thing we note is that the definition of waste which is being used in the regulation is the definition of waste that is found in The Environment Act. This is a comprehensive definition and a good idea to ensure compatibility between the two aspects of these two acts. There

are some concerns, however, about some of the detail of the programs which are proposed. It is that area which I will be addressing my remarks to primarily.

The strategy creates a levy system and creates industry programs for a variety of products. What we are not clear on yet is what products are going to be covered and what kinds of industry initiatives are going to be brought forward.

We have some concerns about how the industry consultation will occur and how, in fact, some of the detail of the industry programs will be developed. To this end, we will look forward in committee to some answers with respect to some of the details around these industry initiatives.

Another area of concern to us is the composition of this arm's-length corporation which will be responsible for administering some sections of this act. We are concerned about who these people will be and how they will be appointed and how they will be remunerated or recognized for their contributions. These are areas that require some further examination.

Another area of concern is with respect to the levy program. It is not clear—and I imagine this will have to be worked through as the industry programs are developed—whether the levy will be on a per-weight basis, on a unit-of-sale basis, whether the levies will reflect the cost of collection of material, how it will deal with end-market development. These are areas where we have, at this point in time, some unanswered questions. Depending on the nature of the answers, perhaps the concerns can be satisfied or will need to be addressed.

There is another general overriding concern, and that is the role of this set of amendments to The WRAP Act with respect to the broader issues of how we move further up the hierarchy. Of course, recycling is the end of the line with respect to waste minimization, and we are looking for the kinds of initiatives that are going to move us further up the hierarchy into the areas of reuse and waste reduction.

With these concerns on the record, then, I would be very interested in asking for some clarification on these areas in the committee. As well, I am concerned about one phrase that was in the original WRAP Act and not addressed in any way in this current amendment act. For example, the concern is that it gives the minister an obligation to hold public consultation on the development of regulations except where there is a need created by an emergency nature.

It seems to me that where we have a broad-based ability to exempt public consultation by using the term "emergency nature," it does create for us a potential problem because we wind up debating whether or not something is a true emergency. I cannot imagine anything that would be of such a nature in this particular area that would require us to have a minister have potentially draconian, or at least exclusive or excluding, powers against public consultation.

I would suggest that, while this alteration to the original WRAP Act is not included in this round of amendments to The WRAP Act, it might be something that the government might want to review and include.

There was one other definitional problem which I wish to raise as a concern, and I am rifling through the minister's commentary here to determine if I can find it. It was one, what we thought was potential omission from the—I know, yes, sorry. It was on the issue of depots.

In the bill itself there are some definitions laid out, definitions for waste actually which I have commented on as being adequate, a definition for recycle which includes reuse and recovery, which I have commented on.

But I note that in the section of the act, which is Section 22, that allows the minister to make regulations, under subsections (p) and (q), it talks about a depot operator. Yet there is no definition of what in fact is a depot. So I think that the act could be strengthened by clarifying this and putting in a definition in the definition section of what is intended to be meant by a depot.

* (1520)

With those comments, then, we are, by and large, in support of this initiative, and with the additional recommendations for further amendment to include the things that we have mentioned, we, by and large, can support this initiative. I look forward to seeing this come back to third reading and committee.

Ms. Marianne Cerilli (Radisson): Madam Deputy Speaker, I am pleased to put some remarks on the record on behalf of our party with respect to this bill, Bill 24, The Waste Reduction and Prevention Amendment Act.

I want to start off by saying that we have put on record that we are in support of the concept in this bill. We are in support of a lot of the intention and initiative outlined in the bill, but we also have some concerns. I want to also say that this is long, long overdue. I have been elected now for going on four years, and the government has been in power for six years, and Manitoba is yet to have a comprehensive waste reduction and recycling system. We have seen other governments come to power in Canada, Madam Deputy Speaker, and bring in programs that have not taken as long.

On the other hand, I do want to say that the concept and the idea in this bill of having what I call a polluter-pay system where industry is going to be responsible for, in a comprehensive way, costing into their packaging the cost of disposal and sorting and waste recycling. I think that is a very, very good thing, and I just hope that this minister and this government can pull it off.

I have asked a number of questions about this. There are a number of areas that I will outline that I have concerns about, but I am really concerned about some of the things that have happened with the Canadian packaging group, with the CIPSI group, and I am concerned about the approach that the minister is taking.

Now maybe the minister is feeling somewhat frustrated, too, realizing that they are nearing the end of their mandate and yet Manitoba does not have a comprehensive system in place. They have promised, Madam Deputy Speaker, to reduce waste to the landfill by the year 2000 by 50 percent, and unless we have some real solid action,

unless we have a comprehensive system, I am sorry to say we are going to be nowhere able to meet that target. I know that the minister is aware of that, and I think that he is anxious to pull this together.

In the meantime, though, I think that he has ignored a few things and has missed a few opportunities. I have asked questions respecting the lack of participation by the community, and we have in Manitoba a number of volunteer organizations, a number of small waste-related industries that I think have been overlooked. I just want to let the minister know that I do not understand. It seems like there is some paranoia of having the public a little bit more informed of the discussions that are going on with respect to this initiative and to having more community involvement from organizations like the Recycling Council of Manitoba and from some of the other groups in the province that have a lot of expertise that they could benefit from.

I have said in the House as well, Madam Deputy Speaker, that I think some of those groups would have been a mediating force, would have been assisting the minister in developing a consensus, because it is interesting that over the last couple of weeks we have been approached by the industry side of the group that the minister was working with, this CIPSI group, because they had not been involved with the government since April.

So something happened where the minister has decided to change track, to move away from the national body that had been working on this program and head off in their own direction as just a Manitoba program, independent, if you would, from the national body of industry people who were working on this.

I think that has raised a number of concerns, legitimate concerns, specifically in the area of market development. Market development is going to be essential, Madam Deputy Speaker. We are going to have to make sure that there is going to be investment of money into market development so that we are not going to just be stockpiling waste, as we have been, without having the local industries or regional industries that we

can ship the waste product to, to make sure that it is, in fact, going to be reused.

Particularly of concern is the area of plastics, that we do not have the ability in Manitoba to handle waste plastics, and we are going to need a regional approach. This is the message that has been given to me loud and clear.

It makes a lot of sense in the country to have some uniformity in this area, and I am concerned that, by leaving the talks with the industry group, we are going to be limiting ourselves.

I know that since raising the issue in the House here in Question Period, the minister has met again with these people, so I am glad to see that there perhaps is a renewed relationship and renewed co-operation.

I do not know a lot of the specifics of what happened. I think it had to do with the timing, the minister's agenda. I think that some people feel that this is one program that this government is desperate to implement before they have an election because they know that their record on environment has been pretty abysmal and they figure that this perhaps could save them a little bit. And it could. I think that if they can pull this off, Madam Deputy Speaker, they will reclaim some, oh, respect perhaps, or they would reclaim some credit in the area of environment, because they have not had very many success stories.

An Honourable Member: How were they graded? What grade did they get?

Ms. Cerilli: As the member for Burrows (Mr. Martindale) indicates, they were just graded a triple fail by the Sierra Club of Canada. They failed in the area of climate change, in the area of biodiversity and in the area of toxic and chemical waste. We can see that waste is one of the areas of great concern, and they have not been able to measure up.

Madam Deputy Speaker, I have talked about the importance of market development and having some of the money that is going to be collected from the waste packaging incentives go into market development. I also think there should be money that goes into some kind of public

education campaign, and I know this is one of the areas that has caused some discrepancy.

I think that that has to be done in a way that is going to ensure that people understand the program. I think, again, this could have been done throughout this whole process of the minister being in negotiation with municipalities and industry and other volunteer NGOs that are involved in this sector of the economy. There could have been already a lot of good public education done on how waste reduction and recycling can work if, in fact, the process had been a little bit more open and the minister had been a little bit more forthcoming and had more community participation.

I know industry is concerned that there has been a large increase, even a doubling in the amount of money that is going to be generated from the waste program. I just want to make it clear that the idea of this program, to put instruments into the cost of packaging so that industry is going to be paying into a fund I think is right on. We have to make sure that it is going to be done, though, in a fair way. We have to make sure that we are going to give consideration to all the different parts of the loop, as it were.

I am concerned that we are going to look at—and I know the minister is concerned about this as well, about the needs in different municipalities. I know the minister is concerned about municipalities not having the burden. We have seen this government as one of the champions of offloading. We have seen what they have done in other areas where costs are being passed on to the lowest level of government, the municipalities.

* (1530)

We cannot have municipalities take responsibility for all of the environmental problems that are coming up. The government has brought in new regional landfill regulations, and it is causing a lot of concern in rural areas. That has to be integrated with this legislation and this program, as well. We cannot have the municipalities paying the cost when they have the least ability to raise revenue for all of the sewage and water and waste problems of our economy and

society. I know I have received a number of letters from municipalities with great concern about that very thing.

I also want to talk about some of the other concerns that have been raised with respect to the program. One of the concerns is related to what I have mentioned in terms of market development and if this is going to be financially viable.

I asked the question in the House the other day and made reference to the problem that we have seen between Manitoba and Saskatchewan, with Manitoba tins that have not had the deposit paid on them being taken into Saskatchewan for recycling and how that has disrupted their program.

What it does is that it shows that there needs to be regional approaches to these things, that we are not an island, and I do not think that we can be an island. There are great concerns with respect to the transport of waste across jurisdictional boundaries, whether those be provincial or national or municipal boundaries. Madam Deputy Speaker, I think that the minister has to consider carefully the need for co-operation in this area.

One of the other things that is not clear—maybe the minister is going to make some comments that would clarify some of these things—is the guarantee that there is going to be some method of enforcement and that there is going to be some method for some penalties or some method of ensuring that there is going to be a follow-through, if you will. One of the concerns is that there is not going to be any way of monitoring, making sure that the targets that are set are going to be met.

The other concern that has been raised with me is that the focus has been, to a large extent, on residential waste. I would like some guarantees from the minister that in the first component—I think it is termed “the first basket”—of products that are going to be brought into this program, we are going to have the industrial sector involved, that we are going to have that large amount of waste that is generated in the industry and manufacturing sector involved. We want to make sure that cardboard boxes and fliers and transportation packaging are all going to be included.

I think one of the other things that bears mentioning is related to what I said initially in terms of community participation. In areas like this, environment does this so clearly, where it forces us to deal cross-jurisdictionally. It forces us to deal in a cross-sector manner with the community and the economy. I think that we have to build these relationships, and that requires perhaps some time but also the ability to develop trust and to have a very good sense of process to working to consensus and to working to an agreement.

This is an area where I think that perhaps this government is breaking into an area it is not used to or is new, but I think this is an area where it has perhaps something to learn. I would suggest that they could learn that to a large extent from the NGO community which does that kind of work on a regular basis and, I think, is very good at some of those models of group decision making and working to consensus.

I do not think I will go into much more detail, Madam Deputy Speaker, with respect to the bill, just to say again that we support the concept and the intent, but we are also concerned that a lot of what is going to be the real detail is in regulations, regulations that we have not seen yet. Those, I think, are regulations that are important to the discussion.

It is going to be important even that, as we move to the public meetings on this, it would be really beneficial and more meaningful if we could have had the regulations, or draft regulations, to look at as well. I do not know, that is possibly unusual, but given the fact that we have been waiting so long for this, and given the fact that I know these regulations have been worked and worked and drafted and redrafted, I would think that, again, it would have been easy for the government to just release a draft and indicate clearly that they are draft regulations. That would have given people, I think, a little bit more ability to have something concrete to comment on. I do not know if the minister is going to consider that.

I also want to say that the national program, the Canadian Industry Packaging and Stewardship

Initiative, which I have been referring to, has been greatly influenced, I think a number of people would say, by this process in Manitoba. Manitoba has been seen as a leader in this area because of the approach that we have taken.

It is modelled to some extent on the program that was implemented in Germany, and Germany has had a number of problems with their program. I would hope that the minister has been in contact with some of the folks there, and tried to learn something from the German experience so that we do not repeat those same difficulties and errors here.

I just want to say that I hope that we are not jeopardizing the leadership that we had been showing in working and influencing and learning from the Canadian Industry Packaging and Stewardship Initiative people by sort of heading off into this new Manitoba program, which is, as I said, more independent.

A number of other issues that have been raised, I will not go over again. Maybe I can finish by saying that I hope that this is not more politics of perception, that this is not more releasing of legislation and news releases to try and make it appear that the government is moving in this direction of bringing in a program when in fact they are still not at the stage where they are going to be introducing a comprehensive program, a program, as I said, that is going to include both market development as well as an integrated approach for the whole province.

I look forward to hearing presentations at the committee. We want to listen to the people of the province, volunteers throughout the province who have spent hours and dedicated a lot of their own time and resources to try to make waste reduction, recycling work in this province. I commend them for that, and I know that they are eager to see a program that is going to give them some relief and give them some money into their initiatives. I hope that the minister will answer some of the questions that we have raised and allay some of the concerns that we have, because I think that we do want to see a comprehensive program in this province that

is going to provide incentive both to reduce waste and to prevent waste from going into landfill.

So, with that, Madam Deputy Speaker, I will encourage the bill to be passed on to the committee, and look forward to hearing from the public of Manitoba at those hearings.

Madam Deputy Speaker: Is the House ready for the question? The question before the House is second reading of Bill 24, The Waste Reduction and Prevention Amendment Act.

Is it the pleasure of the House to adopt the motion? Agreed? [agreed]

Bill 7—The Crown Lands Amendment Act

Madam Deputy Speaker: To resume debate on second reading of Bill 7 (The Crown Lands Amendment Act; Loi modifiant la Loi sur les terres domaniales), on the proposed motion of the honourable Minister of Natural Resources (Mr. Driedger), standing in the name of the honourable member for Thompson (Mr. Ashton).

Mr. Steve Ashton (Thompson): Madam Deputy Speaker, I actually adjourned this on behalf of our Natural Resources critic, the member for The Pas (Mr. Lathlin), who has got, I am sure, a great number of very lucid comments on this particular bill.

Mr. Oscar Lathlin (The Pas): Madam Deputy Speaker, I do not have a whole lot of comments to make on this particular bill. I will keep my remarks fairly brief on the bill, partly in keeping with the comments that were made by the minister when introducing the amendment. I believe he spent all of two minutes explaining the bill. Of course, we understand why it took only two minutes to explain the bill because this bill is one of those bills that do not—it is not a major or a significant amendment to the bill.

The minister is claiming that this bill will make it easier and more enforceable for staff to monitor and control activities on Crown lands, parks, provincial forests and wildlife management areas. We regard this, for the most part, as being nonsense because the same minister is well aware that the major problem concerning the management of these areas is not because there is

the need to make the use of work permits more enforceable or that by increasing the penalty from \$2,000 to \$10,000 will improve the situation. The major problem, as we see it, and as we have been saying all along, is the cutbacks that this government has made in virtually every department, including Natural Resources.

For example, it is this government that has decimated the department by major cutbacks of staff and resources in the last four years. If we compare the staff complement of Natural Resources, say from 1988 until now, there have been significant cutbacks to the department. That is the problem. The minister is aware also that when you cut staff like that in a department, especially when you are in an enforcement agency, well, the staff in the end are not going to be able to do anything in terms of enforcement, because staff, when they are being spread too thin, are not going to be able to enforce this act or any other act.

This bill, I am afraid, is more of a window-dressing and also quite a feeble attempt by the government to suggest that the government is doing something. If the minister was being honest about it, he would have said that the main purpose of the bill was to potentially raise more revenue. In fact, this bill should be part of The Statute Law Amendment Act, for basically this bill is an issue of revenue and not of actually improving the act or maybe even improving the policies that are there in the Department of Natural Resources, Madam Deputy Speaker.

As I said earlier, the three bills that have come forth that happen to fall under my critic area all have to do with getting tough on people who may be breaking the law, increasing the fines substantially. For example, in this case we are looking at increasing the bill from \$2,000 to \$10,000, so, in fact, what we are seeing here then today, in Bill 7, is part of that pattern.

While the government stands up each day pretending it is not raising taxes, the same government every week comes into this Chamber and issues a series of increases to fees and fines, while at the same time decreasing programs and services and offloading many of the

responsibilities onto other jurisdictions, and this particular bill fits that pattern.

So Madam Deputy Speaker, with those few remarks, I suggest we let this bill go to the appropriate committee.

Thank you.

Ms. Norma McCormick (Osborne): Madam Deputy Speaker, I too wish to put some comments on the record with respect to Bill 7, The Crown Lands Amendment Act. While on first blush this appears to be a housekeeping bill, and I concur with the previous speaker that it is a question of why this did not go through statutory amendments. However, it is important to look at some of the things that are being proposed by the bill and to challenge some of the underlying reasons.

The first is with respect to sections which require work permits. It appears that the minister may require someone who holds a lease or a permit to get a work permit and in fact to comply with the conditions of the work permit.

Now again, I think the issue at stake here is, given that these departments, many of them are taking significant hits to their operational budget, how in the world can we expect departments with decreasing resources to in fact be able to take on additional responsibilities? I fear that this is one more area in which we are sort of trotting out things that are window-dressing with no intention nor capability of putting into place the resources which would allow what is intended to actually occur. In order to issue the work permit, in order to set the appropriate conditions on it, this will take resources from someone within the department. The question has to be asked, is there anyone left to do it?

Another issue that has been raised is the issue of the increase in the fines from \$2,000 to \$10,000. It has been said that this is potentially going to raise more revenue for the department and for the government. Well, I do not think this looks like very much of a get-rich-quick scheme, given that I would wonder if there has ever been a successful prosecution under this act because, again, it comes back to the issue of whether or not there are the resources in place to enforce.

So with these comments, I want to go on record that we have some very serious concerns about this continued approach, to appear to be getting tough and to appear to be increasing fines for violation in absence of the commitment of resources to ensure that there is an enforcement capability.

We in this province do not need any more laws that we willfully ignore, so I would question the utility of doing this. I would question the appropriateness of doing it through a bill.

With those words on the record, again, we will look forward to this being discussed on a line-by-line basis in the appropriate committee.

* (1550)

Madam Deputy Speaker: Is the House ready for the question? The question before the House is second reading of Bill No. 7, The Crown Lands Amendment Act. Is it the pleasure of the House to adopt the motion? [agreed]

Bill 8—The Fisheries Amendment Act

Madam Deputy Speaker: To resume debate on second reading of Bill No. 8, The Fisheries Amendment Act (Loi modifiant la Loi sur la pêche), on the proposed motion, the honourable Minister of Natural Resources (Mr. Driedger), standing in the name of the honourable member for Thompson (Mr. Ashton).

Mr. Steve Ashton (Thompson): I will be making a number of comments on this bill on third reading, because I am extremely concerned about what is happening in terms of our freshwater fisheries. I have many constituents who are still active in that area. I am concerned this is an industry that may become extinct unless all levels of government recognize what is happening.

Madam Deputy Speaker, I will make those comments on third reading. I understand our member for Swan River (Ms. Wowchuk) and also our critic have some more extensive comments on second reading.

Ms. Rosann Wowchuk (Swan River): Madam Deputy Speaker, I would like to take the opportunity to address this bill, a bill that relates to

the fisheries and the fishing industry, which is a very important industry in my constituency.

The amendments in this bill gives the Natural Resources officers more power to stop vehicles and make inspections of species in fish and also, Madam Deputy Speaker, increase the amount of fines that are going to be paid. As my colleague the member for The Pas (Mr. Lathlin) indicated with the Crown lands bill, this is the same thing, where the government although they indicate that they are not raising taxes, indirectly they are raising taxes.

You see this bill where the maximum fine has been raised from \$500 to a very substantial amount of \$10,000, a tremendous increase. You have to think about the areas where these bills, not only this bill, but the Crown lands bill and an additional bill that we will be debating a little further on, all bills that impact on rural and northern Manitoba specifically—a tremendous increase in the amount of fines that will be collected by this government.

At the same time that the government is intending to collect this extra revenue, they are not addressing the real concerns facing the fishing industry. Since I have been elected, I have been raising to the government, to the Minister of Natural Resources, the fact that the fishing industry is in great trouble, that the fish stocks in most lakes are being depleted and the government is not addressing it.

Now, if they were going to be increasing the amount of fine, the amounts they were charging people for violating the law, and taking that money directly and investing it to improve the fish stocks in the lakes in rural and northern Manitoba, then that would be one way of addressing some of the concerns that the fishing industry is facing, but we have not seen that happen in other areas when a government has increased fines. They are not addressing the concerns.

In fact, this government has done very little to address those concerns. I think of a specific meeting in the Swan River area just this last winter, and we had a similar meeting with the previous Minister of Natural Resources. The minister would come out to the area, hear the

fishing people, hear their concerns, but, in fact, come back to his office here in Winnipeg and not address those concerns.

I find it quite interesting that the minister was out in Swan River apparently indicating that he was listening to concerns, but when he was at that meeting, he gave no indication that they were going to bring in this kind of legislation that would increase the fines.

That would have been the real opportunity for the people in the industry to have input into this kind of legislation, but I do not believe that this government has consulted with the advisory groups that they have, with the people who are involved in the fishing group. I think of the Lake Winnipegosis fish advisory group. In Swan River, we have a fish enhancement group.

I do not believe that those people have been consulted. I do not believe that the aboriginal people—a great portion of those people make a living from fishing and are involved with the fishing industry—have been consulted as to the implications of this bill.

I think that it is important that this bill go to committee, and that we have the opportunity at committee for the people who are involved in the industry to have some input before this bill is passed. That is very important.

There is another area that has to be addressed that has been raised to the minister and to this government. I have heard for the past three or four years this government talking about co-management of resources. They like to use that word, Madam Deputy Speaker, as if they are really going to do something and involve the different interest groups in the management of the resource.

But this government has not been addressing that very well. They have had calls, and the Minister of Natural Resources has had calls from some of his very good supporters in the Swan River area. I think of one in particular, Mr. Duane Whyte, who is very concerned with the way the lakes are stocked, which lakes are being stocked and which lakes are being fished out right now.

They have called on the government to come and work with the various groups in the area to work towards co-management, just as we have co-management in the North, in a moose and caribou area in the area of The Pas, where it is working quite successfully. The people in my area are looking for leadership from this government to establish co-management of the resources with fishing in the various lakes.

As I have said, there are groups that have put a tremendous amount of effort into stocking the lakes. There is a tremendous amount of monies being raised locally for enhancement of the lakes, but there has to be some leadership from government as to designating these lakes, whether they should be for sport fishing or whether they should be lakes that are just for spawning areas. This government could show some leadership in that area, instead of just raising fines and trying to catch people so that they have additional revenue.

But I find that very interesting, as well, Madam Deputy Speaker, because who is going to do this work? They have virtually destroyed the Department of Natural Resources. There are very few officers out there right now. How will they enforce this? I am not sure what this government is trying to do with this bill, whether they are trying to be looking at a way for extra revenue but have not bothered to consult.

So I think, Madam Deputy Speaker, it is important that this bill go to committee, and we have the opportunity—I know that my colleague from The Pas (Mr. Lathlin), who is the critic on this bill, has other comments to make, but I think that, in my opinion, we have to give the opportunity for the people who are affected by this bill, who have not been consulted to this stage, to express their views, and we look forward to hearing their comments.

I hope that the people from my constituency who will be affected by this bill, at least some of them, will have the opportunity to make comments on how this bill will affect them. Perhaps they can give us some guidance and recommendations as to the viability of this bill. I look forward to those

comments and to hearing the presentations when this bill goes to committee.

Mr. Oscar Lathlin (The Pas): Madam Deputy Speaker, I am pleased to rise today to offer some remarks on The Fisheries Amendment Act, Bill No. 8.

It is an act that seeks to amend the legislation by giving more authority to Natural Resources officers, for example, to stop and inspect vehicles, to check the amount and the species of fish being transported to and from the communities and elsewhere, and to ensure fishing regulations are being complied with.

With this amendment officers can also inspect homes and other places in the same manner without a warrant in order to ensure fishing regulations are being complied with. This bill also raises the maximum fine amount from \$500 to \$10,000.

I am not going to say too much at this time. I would recommend at the end that this bill be passed on to the appropriate committee, but I wanted to offer some input into the debate.

At the outset I want to say that this bill is almost irrelevant to the vast majority of commercial and sports fishermen in Manitoba. The position of this government as outlined in the amendment and elsewhere, is simply to give the message to fishermen, people who are involved in the fishing industry, to give them the message that, yes, we welcome your tax dollars, we welcome the exports that are realized from this very important industry, but we are not prepared to assist you in any way, in any meaningful way, and that we will cut support wherever and whenever we can get away with it.

Essentially that is what this bill represents to me and to many other people.

I was in South Indian Lake just yesterday, and then I was also in Pukatawagan later on in the day. In those two communities the very first issue that they raise whenever we sit down for a meeting is fishing.

I was told in South Indian Lake, for example, that the fishermen there are catching a lot of fish, and they are trying to make a living out of fishing,

but, as we were meeting, the fishermen also told us there are a lot of species of fish that they are catching but they are not able to sell because of the way things are managed at the Freshwater Fish Marketing Corporation.

For example, fishermen in South Indian Lake tell us that for every fish they catch, for every fish they can sell to the Freshwater Fish Marketing Corporation, they estimate that they throw away anywhere from two to three other species of fish. They recognize that is a lot of waste of natural resources. They do not like doing it, but they are forced into that situation. For example, that is one of the areas that this government ought to be looking at when they go to amending legislation regarding natural resources.

This bill is clearly a sign of the lack of commitment and priority to the commercial fishermen in this province that the government, after six years in office, has. It has no priority whatsoever towards the fishing industry, Madam Deputy Speaker. Now they come in with this legislation pretending that this is a major amendment. It is not. It is a minor amendment. The government hopes that it is going to create a picture that they are taking a major initiative for commercial fishermen.

(Mr. Speaker in the Chair)

Mr. Speaker, the fishermen clearly understand what is going on. They understand that this government simply does not care for those fishermen who are involved in what they call a dying industry, if government is not prepared to step in and assist them in whatever way they can, Mr. Speaker.

The penalty increases for those infractions, and increased powers that are given to the Natural Resources people are significant and clearly meant to create the picture that this government is going to get tough on poaching and other general fishing infractions. More likely, they will not be able to enforce these new restrictions that they are placing because of the lack of staff that is there at Natural Resources.

Mr. Speaker, the commercial fishing industry has suffered greatly over the past few years due to a number of factors. I mentioned already the Freshwater Fish Marketing Corporation, but I think probably the biggest contributing factor to this problem is the role or a lack of role that is being played by this government in its working relationship with the fishermen.

The record of the government has been one of broken promises, reviews that are announced in the flurry of press releases and photo opportunities and are never heard from again, reports that are commissioned and then tabled to be forgotten. Last week, in Estimates, the Minister of Northern Affairs (Mr. Praznik) all but admitted that the Northern Economic Development Commission report will never be implemented, just as the Aboriginal Justice Inquiry report was finished, tabled in this Legislature and never implemented by this government.

The previous Minister of Natural Resources again promised to review the cut to the northern fishermen's freight subsidy program a year ago when hundreds of northern fishermen were forced to drop out due to low prices, lack of government support and rising costs.

Again I said earlier that we were in Pukatawagan yesterday, and we heard stories from those fishermen in Pukatawagan about how they are not able to carry on with their livelihood unless there is some intervention or assistance by government, Mr. Speaker.

The review that was promised by the previous Minister of Natural Resources on the northern fishermen freight subsidy program a year ago was never made public, if it was ever done. In the budget in the spring, that cut remained in place. It had never been increased. It is still there today, and it is going to be disappearing in the next little while.

Last year, pickerel production was down about 20 percent to about 5.5 million pounds; sauger production dropped by about a third or almost a million pounds; northern pike production dropped by almost a million pounds as well, Mr. Speaker.

If this was any other industry, we would see major efforts by the government or at least major public relations to limit the political fallout that occurs when, for example, plants close down, more railway jobs are lost, or if the sugar beet growers are having problems. There would be all kinds of major efforts, initiatives, that would be put forth by this government, but when it comes to the North, Mr. Speaker, fishing, this government simply shrugs and says, that is a northern problem. You know, it is not our problem; it is a problem that exists in the North. They come up with all kinds of excuses. One day the excuse might be that the weather is not co-operating or that it was God's fault. We hear all kinds of excuses.

* (1610)

The 1994 season began a couple of weeks ago, Mr. Speaker. As I said earlier, the outlook is not much better this year than it was last year. Freshwater Fish is setting a base price for northern pike, for example, at 55 cents per kilogram compared to \$1.06 per kilogram last year, and a few years ago it was sitting at \$1.76. So prices for fish, at least to the producers, are dropping faster than virtually any other commodity in the marketplace.

So, as I said, the fishing industry is having some difficult times, Mr. Speaker, and we need to support the fishing industry in the same way that we support other industries in this province and in this country. We cannot hope to improve the situation by simply increasing fines or taking on a more militaristic approach to people who are involved in the fishing industry.

Another thing that I wanted to mention before I close is that aboriginal organizations and bands were not consulted during the drafting of this legislation, Mr. Speaker. Given the impact of this legislation on members of the aboriginal community, it makes no sense whatsoever that this government failed to consult the various First Nations communities in northern Manitoba to advise them of the amendments that they were making in this legislation.

As I said, we have heard many heated debates about the situation facing, for example, the sugar

beet farmer and the valid concern that it was. All I am saying here is, we should be or the government ought to be showing the same kind of concerns to the people who are involved in the fishing industry. It is an industry, Mr. Speaker, whether this government likes to believe it or not. But when it comes to farmers, as I said, we have not heard a single member of this government say that they are going to go to bat for the commercial fishermen in this province, who are also facing a crisis situation.

Mr. Speaker, the other thing that I wanted to mention—and it is maybe not significant, but it nevertheless warrants some mentioning while debating this bill—and that is, if Natural Resources people are going to be given more authority, more powers, my suggestion to the government would be to maybe not necessarily in this legislation but by way of regulations to inform or give direction to Natural Resources officers that when they go about—or I should have said those who are left behind, those who have been spared—enforcing this legislation that they do it in a professional manner.

I recall, not all that long ago I was coming home from a hunting trip in the area that I come from, and I was stopped by people who were chasing me in their vehicle. By the time I got near The Pas it was getting dark, and all of a sudden I noticed a vehicle chasing me, no flashing lights, nothing. I knew the vehicle was chasing me, so I stopped to see what was wrong. I thought maybe they were having problems so I stopped, and two people who were not in uniform came up to my side and wanted to know what I was doing there. Because I did not see their uniforms, for a while I thought I was going to get mugged because they did not show me their badges and they did not wear uniforms. As a matter of fact, these two gentlemen who stopped me on the road that time looked pretty unkempt and scruffy looking, so for a while I did not think they were Natural Resources people. [interjection]

The Minister of Highways and Transportation (Mr. Findlay) might be laughing, Mr. Speaker, but it is a serious situation.

Whenever an officer of the Crown stops me on the road, whether it is RCMP or a Natural Resources officer or other people, even security guards in this building, as long as they have a uniform it tells me that they have authority and power and that they are peace officers, so I will co-operate. But when somebody stops me on a side road like that, then I have every right to be cautious.

In any event, Mr. Speaker, upon my return to The Pas that evening, I phoned the senior Natural Resources people that I knew and I told them what had happened. They advised me that all Natural Resources officers should be wearing their uniforms when they are on the job. I thought I would mention that. Like I said, some people might not see it as being important, but I see it as being very important.

With those few remarks I want to conclude by saying that I would recommend that this bill be passed to the appropriate committee. Thank you.

Ms. Norma McCormick (Osborne): Mr. Speaker, I am going to put some remarks on the record with respect to Bill 8, The Fisheries Amendment Act.

Again, on first blush, this appears to be the housekeeping approach clarifying the inspectors' powers and setting out the conditions upon which inspectors may get a warrant for purposes of collecting evidence. The wording appears to be very similar to the wording used in the regulations of The Environment Act which give powers to officials to act where they have reasonable belief that there have been contraventions under the act.

Again, we have no great concerns with respect to the powers of inspection. However, there are some concerns about specific wording which is, in fact, in points kind of confusing and contradictory.

It says, for example, that the inspector may enter without a warrant to inspect, which is reasonable. However, it says further on that the inspector may enter with a warrant and seize. Then later on it says where it is not practicable to obtain a warrant, one can simply go in and search and seize. I think that there is some concern that we would have with

respect to the compatibility from section to section.

* (1620)

The other area of concern, of course, is the increase in the fines, again, here from \$500 to a maximum of \$10,000, and again, a twentyfold increase in the fines looks like another sort of get-tough approach.

But the big questions that have to be asked again is what is the point of putting into place a scheme of fine in absence of an enforcement regime?

Again, we have to talk about cutbacks to the resources which are required to enforce these regulations. The duties of the Natural Resources officers are laid out in several acts and regulations, and the department's resources are being continually eroded. So I think the big question here is whether or not it is conscionable to continue to assign responsibility in absence of the resources to enforce. The question has to be asked, do we not further the problem of making a mockery of laws which we put on the books and are not prepared to assign the resources to enforce them.

A second bigger question is the question of the deterrent effect of fines. We have the idea that people will not do it if they are going to pay a fine of \$500, and they certainly will not do it if there is fine of \$10,000. I think that we really need to question this kind of thinking, because if there is no one there to enforce and the likelihood of getting caught is remote, then, in fact, we wind up in exactly the same situation, that people will take chances.

So I think that what troubles me here is this is just one more situation in which government is going to record on its legislative initiatives as the same thing that is happening in the area of youth crime and say we are doing lots of things, but in fact, when you scrutinize it, the things that are being done are simply things on paper. They are not things which demonstrate a meaningful commitment or even a meaningful understanding of the process of ensuring that resources are protected.

So with these remarks, I will look forward to the opportunity in committee to going through the bill on a line-by-line basis and making some suggestions for strengthening its approach. Thank you.

Mr. Speaker: Is the House ready for the question? The question before the House is second reading of Bill 8, The Fisheries Amendment Act, Loi modifiant la Loi sur la pêche.

Is it the pleasure of the House to adopt the motion? Agreed? [agreed]

Bill 10—The Wildlife Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Natural Resources (Mr. Driedger), Bill 10, The Wildlife Amendment Act; Loi modifiant la Loi sur la conservation de la faune, standing in the name of the honourable member for Thompson (Mr. Ashton).

Mr. Steve Ashton (Thompson): Mr. Speaker, I adjourn this on behalf of our Natural Resources critic, the member for The Pas (Mr. Lathlin).

Ms. Rosann Wowchuk (Swan River): Mr. Speaker, this bill is a bill that has had some discussion in my constituency, and of course when people talk about this bill they say that, you know, the government is planning to increase penalties for night hunting. Many people say that this is a good idea, that we should be increasing the penalties for night hunting.

The question that the people ask of this is, how is this government going to enforce this? We know that night hunting is not a safe practice, and there is risk involved in it, and people should not be firing guns in the dark because it is dangerous. But this government has reduced the numbers of officers. They have decimated the Department of Natural Resources. I cannot imagine how they are going to enforce this legislation. So they are trying to create the impression that, yes, they are going to be tough on the people who are breaking the law, the people who are hunting after dark. The intention of this legislation is to increase the penalty and thus reduce the trafficking of wild animals and wild animal parts, and that should be reduced. There should not be trafficking of wild animal parts.

For one, I do not understand how this government intends to enforce this. It is beyond me how they can think that they can virtually put these people out in rural Manitoba and the North, where these actions take place, and say that they will enforce it. They do not have the people in place to enforce this legislation. So the government is trying to create the impression that this is what they are going to do. They are going to increase the fines, but it is a question of who is going to be able to enforce it.

The bill, Mr. Speaker, increases penalties for poaching, night hunting and, again, to a very high degree. What was previously \$3,000 will now go to \$50,000. I guess the question, as the member for Osborne (Ms. McCormick), indicated is: Is this going to stop it? Is increasing the fine going to deter people from hunting at night?

When I talk to people in my constituency about this bill, there are people who say this is a good bill. We should be restricting night hunting, and definitely we should be restricting the sale of wild animals and the parts of animals, and definitely, Mr. Speaker, people should not be firing guns after sunset and before sunrise because this is a dangerous practice.

However, there are other areas. The government is changing the law in this area, but they have not done other things. Again, as I mentioned under the last bill, there are people in my area who want to co-operate, look at ways that we can co-manage the resources. The previous Minister of Natural Resources and, I believe, this Minister of Natural Resources (Mr. Driedger) have talked about co-management of resources here in the Chamber and in Estimates, but they have never taken any action on this. They have never taken the necessary steps.

I know, when we raise the issue of co-management, they will say, oh, well, you have the Elk Management Board in Swan River. But that is not addressing the concern. That is not bringing the various interest groups together. That is not bringing the aboriginal people, the Metis people, the treaty people and the sport hunters and the various groups together to have a discussion at

the community level as to how resources should be managed.

The minister is well aware that there are conflicts in the community about some people having different rights than others and how resources are managed. It is the responsibility of government to show leadership and get the various groups to the table to have these issues discussed.

In the past, close to four years, this government has not shown that leadership. They have not shown that leadership in the fishing industry. When concerns are raised because of the difficulties the people in the fishing industry are facing because of low stocks, because of lack of spawning grounds, because of low prices in the fishing industry, the government has not addressed that concern.

In this case, Mr. Speaker, the government has not addressed the concern of bringing the various groups together for consultation to try to iron out the conflict. They believe that the way to iron out the conflict is by increasing the fines and give the impression that they are doing something, but they do not have the officers in place.

I guess the one issue that I would want to also address is many people are under the impression that this bill is going to end the night hunting that is carried on by treaty Indians. I do not know that the government has sent out a very clear message on that, because it is my understanding that this bill will not affect treaty people.

* (1630)

But I think that what also has to be cleared up is the fact that all night hunting is not done by treaty people. There are other people who night hunt as well, and if we look at some of those numbers, we might be very surprised to see how few of the night hunting infractions are carried on by native people, by the people who have the right to night hunt.

I have to say, I think that night hunting is a very dangerous practice. It is not a practice that I feel is safe or a practice that I feel should be carried on by anyone, but the courts tell us and we know that this legislation is not going to affect treaty people. This government is not taking their responsibility

seriously when it comes to negotiating with aboriginal people as far as co-management goes. There is a lot of work that this government has to do and the government has to also send out a clear message that this legislation is not—there is a clause in the act which protects the right of aboriginal people. If the government is creating the impression that this is going to take that right away from aboriginal people, this legislation cannot do that.

So, Mr. Speaker, there are good things in this bill. The fact that night hunting should end is good. I wonder about the level of the fine because, when you think of some other very serious offences that are committed that end up with just a slap on the hand or end up getting thrown out of court, to have a fine go from \$3,000 to \$50,000 is a tremendous increase in fine. If the government was going to increase all fines in that proportion, it would be a very great revenue generator for the province. So there is a tremendous increase. I wonder, when you look at the maximum, if somebody goes to court what amount will actually be charged to that person.

So I think the government is trying to create the impression that they are being very heavy-handed here and they are being tough on those offenders, but in actual fact we would have to see where it ends up in court. Certainly, I think that the issue of night hunting has to be addressed, because it is not safe. That is my own personal belief. I think that we should all think very carefully when we are going to discharge a firearm at night and not be sure what is out there besides some game, because there could very easily be another person out there and we could cause some very serious problems.

I would encourage the government to look again at the proper management of wildlife. We support responsible hunting practices. We always have. The government has a responsibility to look at management practices, to look at what is happening to our wildlife. The government has to be a leader in pulling people to the table and looking at how we can manage our resources, in this case, our wildlife, so that there is wildlife there for those people who need it for a staple food, for

those people who choose to enjoy it, just to watch it for recreational purposes, for those people who choose to take part in the sport of hunting, it is the responsibility of government to manage those resources properly.

I would hope, when I think about my constituency, that government would take the leadership both in the area of co-management of the wildlife, but also, as I indicated earlier, in the co-management of various lakes. I know the government has had calls about that.

There are people who will be affected by this legislation who I am sure will want to bring their concerns forward. We will listen to those concerns with interest when this bill comes to committee, because I am sure from that committee there will be some recommendations which may result in amendments to this bill.

With that I will close my comments and look forward to comments from other speakers.

Mr. Oscar Lathlin (The Pas): Mr. Speaker, again I rise to offer some words to this debate, Bill 10, The Wildlife Amendment Act.

As with the previous bill, I am not going to say a whole lot in this debate regarding Bill 10. However, I wanted to offer some suggestions. At the end I will be recommending that we pass this to committee so that it can be examined further.

Mr. Speaker, this bill seeks to again increase penalties for poaching, night hunting and hunting while under the influence of substances to a maximum of \$50,000 from the current \$3,000. It also seeks to increase the maximum jail term from three months to one year. It also prohibits the discharge of firearms or shooting of guns between half an hour after sunset and half an hour before sunrise. This bill also deals with conviction for nightlighting or transporting wild animal parts or meat, which would result in automatic loss of any equipment or vehicles that may be used in the violation. The other thing that it does is to add wood bison to the list of animals that are protected.

Mr. Speaker, all I want to say on this bill for the time being is to again reiterate our position of the government's legislative agenda, and that is in

Bills 7, 8 and now 10, all three bills seek to increase fines. Bill 10, according to the government news release says: Tough new laws proposed for hunting violations. Bill 10 designed to discourage poaching.

I think the government would be ill-advised to try to increase penalties and fines for the violation of certain pieces of legislation when the staff who are supposed to be there enforcing these laws are not there anymore, or at least their numbers have been decimated to the point where they will be unable to enforce any law.

For example, just in the Wildlife branch of Natural Resources, the staff there have been cut from 74 in 1987-88 to around 60 or less today. Then the government turns around and introduces legislation that will require more enforcement.

The five-year report that was released by the government to the Legislature, the period being covered by that report was from 1987 to 1992, showed that night-hunting charges had gone from 104 in 1986-87 to 156 in 1991. Overall hunting-related prosecutions in Manitoba were 955 in 1981 and since then have dropped to 600 in '86-87, 703 in '89-90, and then in 1991, the last year they reported, was standing at 816.

* (1640)

It is also a concern to me, Mr. Speaker, that the government is not developing more programs that would look at co-management agreements with the aboriginal community. I know there are several co-management agreements out there today. They are working quite well, but I think those co-management agreements could go further if this government were willing to expand the scope of those agreements.

I know that even though aboriginal leaders have suggested that the scope of those agreements be expanded, the government has been quite unwilling, and we know why the government has been quite unwilling to expand those agreements, and it is because the aboriginal leaders are wanting to go into areas like natural resources, for example.

I know in my community, the Opaskwayak Cree nation, where I come from, we had suggested to

the government a long time ago that instead of just having these co-management agreements, which I said were good agreements, they were working. In The Pas they increased the moose population when I was there from about 400 to over 1,000, so I know that those agreements work, but what we had wanted to do was to go further than that. Yes, we are interested in the conservation of wildlife and even fisheries.

What we had suggested to the government at the time was, could we not look at other areas of Natural Resources, for example, fishing. We wanted to get into agreements in fishing, and we wanted to get into agreements in harvesting of forest products, mining and even agriculture, Mr. Speaker, but because those kinds of agreements meant that eventually aboriginal people would be benefiting financially from such agreements, the government was all of a sudden quite unwilling to enter into those kinds of agreements.

The other thing that we suggested to the government at that time was that if we are going to go into these management agreements, why not go one step further and get into a training program, whereby our people would be trained in the area of natural resources. Once the training had been completed, they would then come to the jurisdiction of the First Nations government, for example at OCN, and have them enforce OCN Natural Resources by-laws. Again, that did not go over very well with the government. As I said, we understand why, because it meant sharing financial resources from such agreements with the aboriginal people.

Mr. Speaker, the other thing that I wanted to mention was I know the current Minister of Natural Resources (Mr. Driedger) is aware of certain court decisions that have been made recently—well, some not recently, but certainly the ones that have been made by senior courts in this province and in this country in the area of treaty rights and aboriginal rights. The minister is well aware of those. I say that because I have seen correspondence that has come across my desk where the minister is actually acknowledging those court decisions, those court decisions saying

that First Nations people, by way of treaty and by way of the Constitution, do have certain rights.

I am glad the minister is aware of those court decisions, and that is why, Mr. Speaker, I was disappointed in the way that this bill had been drafted. I would have been very supportive of the minister if he had gone to visit the aboriginal communities, the groups and organizations to see how this bill could have been drafted with consideration given to the court cases that I referred to previously. That has not been done. I suggest to the minister that he still has time to consult with First Nations people so that once this bill is passed it will have had some input from First Nations people, and then they will feel like co-operating with the minister as he goes about enforcing laws affecting his department.

I still suggest that is a good idea. I suggest the minister do that in order that this legislation becomes more meaningful, particularly to aboriginal groups.

Another area that I wanted to mention, Mr. Speaker, is the common belief that aboriginal people are the biggest culprits when it comes to violation of natural resources legislation, Mr. Speaker. That is simply not true, because I could cite the past cases where other very prominent nonaboriginal people have been charged and convicted of certain violations of natural resources law in this province.

The North American Waterfowl Plan some 10 years ago put out a report where they suggested that the annual harvesting, they suggested that amounted to less than—I cannot remember exactly what it was, whether it was .5 percent or .05 percent of the total harvest that gets done in Canada by all hunters. So that report told me at that time that it is not only the aboriginal people who harvest waterfowl, wildlife, fish in this province. There are others. That report also told me that the harvesting that is being done by aboriginal people in this province is very minuscule compared to the overall harvesting numbers that get done by all of Manitobans and Canadians.

So I just wanted to mention that because oftentimes I hear that the very reason that this

legislation is being introduced here today in this session is for the government to show nonaboriginal Manitobans that it is now going to get tough on aboriginal people. Well, Mr. Speaker, I mentioned earlier that there are court cases from the Supreme Court, provincial courts of appeal, that clearly show that aboriginal people have treaty rights and they are not to be tampered with by any jurisdiction.

I also wanted to mention when it comes to the destruction of wildlife, Mr. Speaker, we look at the development of hydro projects, forestry projects, mining projects and, yes, even the agricultural industry has played and continues to play a major role in the destruction of fisheries, wildlife and waterfowl. I say that without hesitation, because I know it is true. So when it comes to assessing the environment or trying to come up with ways of how to draft legislation, I believe that this minister should also take into consideration the destruction that is being done by mining, forestry, agricultural and hydro development.

So the point I am making there of course, Mr. Speaker, is, aboriginal people do not have a monopoly in the harvesting of waterfowl, wildlife and fisheries. There are other people, other groups who do that.

I want to mention Ducks Unlimited, for example, Mr. Speaker. I know Ducks Unlimited is in the business of enhancing a habitat for waterfowl and other wildlife, but every once in a while mistakes are done by Ducks Unlimited. I will cite one mistake, a major engineering mistake, that was done near the community where I come from, a place called the Summerberry area, down river from The Pas.

Five or six years ago that area used to be just filled with wildlife, waterfowl and even fishing. Once the project had been completed, whatever happened—I do not understand that kind of engineering myself—but supposedly something had gone wrong. As it turned out, there were a lot of muskrats that were killed off as a result of that mistake, beaver and fish.

As a matter of fact, not that long ago, I was going through some old newspaper clippings that I

had been keeping in my home in The Pas. I came across a paper clipping that told a story and showed pictures of the vast amount of fish that were destroyed at a place called Bracken Dam near The Pas.

The current Minister of Natural Resources (Mr. Driedger) might be aware of it, where the Ducks Unlimited people had manipulated the water levels by way of special controls and again, come one springtime in The Pas, we had literally millions of fish right in the river system that had apparently died of a lack of oxygen. So there are other factors that play a role in the destruction or the harvesting of fisheries, wildlife and waterfowl.

The final thing that I wanted to mention, I guess, in regard to this legislation, is, in order for these types of legislation to be meaningful after they have been passed, the minister or the government must ensure that there are resources there in the department or in the government that can carry out the enforcement of these laws.

So with those words, I am concluding. I want to recommend that this bill be passed to the appropriate committee and have another set of examinations at that level. Thank you.

Ms. Norma McCormick (Osborne): Mr. Speaker, I am going to put some remarks forward with respect to Bill 10, The Wildlife Amendment Act.

Again, on first pass, there are some interesting things being proposed. First is the clarification of the definition of a loaded firearm. I note that the definition previously was quite complex and rather anachronistic in its approach and that the definition offered now in the amendment is more straightforward and does not cause a problem. However, for dangerous hunting offences and hunting and trapping offences, we note that the maximum fines are increased from \$3,000 to \$50,000 and allow for imprisonment from a minimum of three months to a maximum of one year. These approaches on a summary conviction offence are really quite interesting.

It has troubled me for a long time that often people who enforce acts have an obligation to make decisions around whether or not to proceed

on trying to find some balance between the cost of proceeding with a prosecution, of the likelihood of some kind of meaningful outcome at the end of the prosecution and then also the likelihood, of course, of securing a conviction. So the three things come into play. In fact, this has been a real problem, that prosecution is a costly activity. Certainly lawyers do not come free, and court time does not come free.

It is an interesting approach to take that what you want to do is achieve some kind of cost-benefit ratio between the likely outcome of a fine and the amount that you are going to recoup. Now, of course, the fines are always set at maximums, and the judges have some latitude within a range of options. I think what we need to do is think through whether or not the increases are, in fact, going to be taken seriously and we are going to see fines of this nature being levied. This is a main area of concern.

In speaking to Bill 7 and Bill 8, in both instances I have raised this concern, that we have got an innate presumption of a deterrent effect of fines, and that, in fact, people will modify their behaviour if they know that the fine is really, really high.

I want to go on record that the opposite may also work. In fact, you may have judges say, that is a lot of money and, gee, you know, we cannot nail the poor person for this big amount of money. I do not want to oppose an increase in fines. I think it is timely to bring forward and to re-examine the question of how much we put into our statutes with respect to offences and penalties. We really have to treat the seriousness of the nature, and certainly there are things in here which, if they are done, are very dangerous and very inappropriate.

That being said, though, I think we have to monitor this and simply watch to see whether or not the presence of increased fines results in either a lower conviction rate or, in fact, the trivializing of the offences by the levering of extremely low fines. I think it is sufficient to go on record with that concern.

Another area that we wanted to raise was with respect to the fines for hunting at a prohibited time,

and, again, I am pleased to see a definition of the time being clarified as being half an hour before sunset and a half an hour after. When I read this, I thought to myself this deserves looking at. Of course, that is the time when you have got the greatest likelihood, if you are a hunter, of bagging what you are going out after. The problem also, though, is that it is also a time in which most accidents occur.

So I have asked people—not being a hunter myself, I could not really offer an informed opinion on this—but I was very interested to say, is there enough light at a half an hour after sunset to ensure that you really know what you are shooting at.

* (1700)

The reason I am acutely interested in this is that I grew up in a small town in which my father was the local physician, and he used to just want to crawl under the bed and pull the covers over his head during hunting season because he absolutely hated to have to respond to his friends and colleagues who had gunshot wounds. Of course, the problem was that these accidents always occurred early, early in the morning or at the end of the day, and, of course, it makes sense because that is when people are out hunting. That is your maximum opportunity to either discharge your own firearm or be the victim of somebody else's.

Nonetheless, I think that getting this clarification as to what does constitute permitted hunting times is an important improvement.

Another area that—I see I am running out of time—we just wanted to touch on was with respect to the search and seizure provisions. I think that I can say that they again parallel those search and seizure provisions which are allowed in other places.

Just to wrap up, though, we have the continuing concern that to assign additional responsibilities to a department in absence of the resources to see them implemented remains as a concern, not only for this act but for the other two we have been discussing this afternoon. Thank you, Mr. Speaker.

Mr. Speaker: Is the House ready for the question? The question before the House is second reading of Bill 10, The Wildlife Amendment Act; Loi modifiant la Loi sur la conservation de la faune.

Is it the pleasure of the House to adopt the motion? Agreed? [agreed]

Bill 5—The Highway Traffic Amendment and Consequential Amendments Act

Mr. Speaker: On the proposed motion of the honourable Minister of Highways and Transportation (Mr. Findlay), Bill 5, The Highway Traffic Amendment and Consequential Amendments Act; Loi modifiant le Code de la route et apportent des modifications corrélatives, standing in the name of the honourable member for Selkirk (Mr. Dewar).

Stand?

An Honourable Member: No.

Mr. Speaker: No. Leave is denied.

Mr. Daryl Reid (Transcona): The member for Selkirk had the bill standing in his name to allow me the opportunity to review the legislation and to ensure that I had the opportunity to speak on this bill.

This Bill 5, The Highway Traffic Amendment and Consequential Amendments Act, is comprised of, I believe, three or four sections where there are amendments involved in the bill that are affecting not only The Highway Traffic Act, but The Off-Road Vehicles Act and provisions dealing with MPIC as well.

I would first like to thank the minister and his staff for providing the spreadsheets from his department on this legislation. The minister indicates that it is an extensive explanation and he is right. I must admit though that in my experience as the critic for Highways and Transportation over the last four years with this current minister and with previous ministers, they have always provided from their department information relating to the legislation which is something that I seldom see from any other departments in this Legislature.

I know that some of my colleagues in this House have commented on the excellent work that the Department of Highways and Transportation does in providing the spreadsheets, providing some explanation and the purpose for the legislation that the minister brings forward. So I thank the minister and the department, once again, for providing the spreadsheets.

Many of the comments that I will make here today are in reference to explanations that have been provided from the spreadsheets, although I have read the bill, the legislation itself. I know that there are portions in this legislation that refer back to some of the comments that even the Minister of Education and Training (Mr. Manness) has made on previous legislation that was brought forward by way of private members' bills going back as far as 1989. So it will be interesting to note, and I will draw this to the Minister of Education's attention as I move along in my comments. I am sure he will be interested to hear his comments and the comments of his colleague the member for Pembina (Mr. Orchard) as well.

This legislation, Mr. Speaker, deals with a component dealing with—[interjection] Well, I see that the Minister of Education already remembers his comments from when Mr. Mandrake was a member of this Legislature, so, obviously, he is aware of some of his comments from the past.

An Honourable Member: Oh, I never forget, Daryl. I never forget. I remember everything you have said, too.

Mr. Reid: I am very honoured, Mr. Speaker, that the Minister of Education does remember everything that I have said in this House. I had hoped that it would have had some impact on members and I would have been not just wasting my breath in the comments that I have made on behalf of my constituency.

This legislation, Mr. Speaker, deals with a section dealing on Autopac 2000 plan, and it includes segments on the staggered renewals and dual validation stickers, full ration of daily fees, ownership documents, portioning of registration insurance premiums, transfer of specific

plates—fleet or personalized plates—and also a registration by other than the owners of the vehicle.

I will comment on each of those areas, but the bill itself also deals with other areas pertaining to The Highway Traffic Act amendments wherein it provides greater powers for the Registrar of motor vehicles. I believe that the amendments that are within this legislation, from what we can determine at this point, pending a further comment from the public, appear to be reasonable in nature. That is something that would be required by way of changes to not only the private vehicle inspection plan or act that the government has here that will be due to be implemented towards the end of this year or the beginning of next year some time, I believe—[interjection] July 1, 1995, the minister says. So, it has been delayed some time, an extra six months from its original commencement date, but also there are some changes in the way that certain provisions are put in place with that private vehicle inspection program and also some housekeeping matters as well.

With respect to the changes regarding the Autopac 2000 plan, I have read the comments that have been made. There is also a provision here to change some of the definitions. One of the definition changes included in this is the definition for the taxicabs and the way they are defined. In the definitions, as well, there is a registration period here and the government is going to change to the staggered renewal process for the vehicle registrations shortly.

One of the questions that I have that has come to my mind when reviewing this specific piece of legislation, and I will be asking the minister this when we go to committee, when we go clause by clause of this bill, when the registration period is changed to reflect the date of birth for individuals that are renewing and/or the fact that corporations can select their renewal period for their registration of their vehicles, if these registration periods happen to fall on a statutory holiday or happen to fall on a weekend when they are unable to renew, are there going to be provisions within the act to

allow for another day or two extension past the point of the date of birth of the individual or the renewal date of the corporation? [interjection]

The minister indicates it will be within the month of their birthday, so there would be some ability there for the individual to renew.

I was concerned that had it fallen on a statutory holiday or on the weekend, as the current renewal process falls, that there is usually a day's grace given and an extension period relating to that.

Another one of the definitions within the legislation itself under the term of qualified mechanic, I know I have had some concerns on this too, and I think I addressed some of those concerns when we were addressing the private vehicle inspection program legislation last session. There is a provision here that allows for the Registrar or the minister to authorize certain individuals to perform the inspections, but I am not aware of any criteria that are used for the provisions to determine who is a qualified mechanic or inspector for the purposes of the private vehicle inspection legislation.

I make the minister aware of that so that I will be asking that when we get to that point. I would be interested to know because it does not make reference to a certain level of training or experience, the number of years experience within the field. So I would be interested to know what the criteria the Registrar of motor vehicles will use to allow individuals to issue certificates or to, in fact, perform in safety inspections.

There are other areas within the legislation itself pertaining to permits, temporary registrations, et cetera. I will not go into those portions now. I will leave that to the committee stage.

(Mr. Bob Rose, Acting Speaker, in the Chair)

We also have changes within the legislation dealing with the nonresident provisions, whereby certain individuals who may be coming to our province will be required now to carry proof of financial responsibility, in other words, insurance on the vehicles in which they are operating, and also proof of registration. So that is a good move.

There is also provision within this legislation that allows for the peace officers within our province to request proof of insurance or financial responsibility as the legislation defines, and also registration, which is also good.

It is my understanding the current act says that if an individual is coming to this province for education purposes, or other reasons, are within the province for more than three months that they must register their vehicles within the province, and they must change their registration.

This is allowing for some exemption of that current level of requirement, and I think that it seems to be reasonable and fair, in my estimation, to make that provision.

* (1710)

The current act, amendments to the act by way of this legislation, Bill 5, gives the minister the opportunity to enter into reciprocal arrangements with other governments, whether in Canada or in the United States pertaining to The Highway Traffic Act. It also gives the minister the opportunity to cancel any of those agreements or provisions which is, I suppose, a safeguard or the opportunity to give the minister the opportunity to withdraw from any of those agreements that may not be in Manitoba's best interests. So there is room there to allow for further agreement or understanding or to put in place Highway Traffic Act provisions that are comparable across Canada. The minister can enter those by way of negotiations with other jurisdictions.

There are restrictions on exemptions dealing with persons who are required to carry evidence of registration. I have indicated that a few moments ago and that the individuals will now be required to produce that evidence to any peace officer so requesting. I think that is a good provision there. It gives the peace officers who are inspecting or stopping these vehicles for inspection the opportunity to assure themselves that the vehicles are being operated in accordance with the laws and the regulations of the province.

Also, this legislation, as I indicated in my opening comments, gives the Registrar further powers wherein that they may not have had these

powers by way of past legislation. The Registrar obviously has a large responsibility to ensure that the vehicles that are travelling upon our roadways within the province are operating within the laws and the regulations of the province.

This legislation, Bill 5, further provides opportunities for the Registrar to deny or to refuse registration of any vehicles for which he may be uncertain of certain provisions, including the uncertainty of the registration by class of vehicles.

The vehicle registration records, from my understanding of this legislation now and the information that was provided, will also include information to others who may be purchasing or attempting to purchase the vehicles.

The new vehicle registration records will include information as to persons who hold beneficial ownership in the vehicles themselves. I believe that is the information that was not contained in the past, and I think that this will also give those purchasing the vehicles some further assurances that the vehicle is indeed owned by the person who is attempting to sell the vehicle and I think would go some way toward providing some level of assurances beyond what the liens search would provide by way of The Property Act within the province here.

I know I have had opportunity in the past to search out vehicle records to ensure that the vehicle that I am buying is indeed owned by the person selling it. So this provides a further level of assurance for those individuals as well.

There is also provision within this legislation which I think is a good move on the part of the government in the sense that the vehicles going to be sold by MPIC will have to undergo vehicle inspections prior to the vehicle being registered. I think that is a good move. I know it has been my personal experience in my life, where I have seen individuals buy vehicles by way of auction, in past years, take these vehicles into their private garages and then repair the vehicles and then sell the vehicles for profit. I think many of those vehicles entered our roads and were registered as vehicles without having safety inspections done.

While the individuals may have been qualified to perform the necessary repairs, as an individual citizen, I was never of total assurance that those vehicles were totally roadworthy. I think that this legislation to require a safe vehicle certificate prior to the registration of these vehicles will go some distance in ensuring the piece of mind for the public that the vehicles will be at least meeting the safety standards of The Highway Traffic Act.

One of the areas that I have a question on—and I will be raising it in committee as well—there is a provision here in the legislation that says that the Registrar may issue a registration card that restricts the use of vehicles to highways in and adjoining a remote community and any other individuals that may be operating those vehicles, whether it be the owner or some other individual. I am not sure what criteria are used to restrict those vehicles, because, as we know, there are remote communities that have the opportunity and are connected by winter roads. Does that prevent the individuals that own or are operating these vehicles, that have been issued this special registration card that restricts them to the isolated community, from operating on the winter roads and the connecting or the adjoining highway network within the province?

I am not sure how that process works or functions, and I will be interested to ask the minister and his staff questions relating to that aspect of it, because I think we want to make sure that the vehicles that are operating are also safe. I also want to know why there are these provisions put in place restricting these vehicles to only remote or isolated community activity.

In the case of transfer of registration with respect to this legislation, there is a provision put in place here now that the registration required for the vehicle would be eligible to transfer to any surviving spouse or to the estate of an individual that dies for whatever reason. I know in talking with even one of my constituents just recently on this matter, the woman was quite concerned that she would have to go through an onerous process to transfer owner of that vehicle to her name as well as other requirements that she had by way of warranty provisions for the vehicle, since it was a

new vehicle at the time. I think this will answer one of the questions that I have had on my mind, and I know my constituent had on her mind, about the onerous requirements that would be there. This will allow the transfer of those vehicles to individuals by reasons that would be provided.

(Mr. Speaker in the Chair)

An Honourable Member: What you see, Daryl, is good government.

Mr. Reid: The minister references a good government. I know I have gone through several pieces of legislation as the critic for Highways and Transportation, and I can assure the minister that not all of them were to my liking. There were provisions in here last session where I thought that the private vehicle inspection program could have remained within the public realm, where MPIC could have continued in that inspection program.

If we had taken the \$800,000 a year profit that the photo licensing program makes a year, we could have taken those monies and invested into new equipment to inspect vehicles by way of the MPIC inspection program. The legislation that comes forward is not always to my liking. I know I put my comments on the record last year, so I am not sure if the minister has had a chance to reference those. I remind him of my comments of those days.

There have been changes, as well, relating to times when a peace officer may be required to stop individuals on the road to ensure that they are operating within the laws of the province. I know there have been changes within our society in the way we have our vehicles repaired. I know even in my own community we have local repair shops. People come in, drive their vehicles in, drop them off and the repair shops will transport the people to their place of employment or back to their homes and then bring them back to pick up their vehicles later in the day. In the meantime, sometimes the vehicles are driven, sometimes they are picked up by the garages or the repair shops.

In this legislation it allows the repairer or the garage that is doing the work the opportunity or the time to produce the necessary registration card which would not always be available to be

produced, should a peace officer stop the vehicle for inspection. This allows for some flexibility in the requirements, but I imagine that there will be fixed periods of time. I will be asking the minister about this, if there will be fixed periods of time in which the repair shops have to produce that registration for the police officers' viewing to ensure that the vehicle is indeed a registered vehicle.

This point, Mr. Speaker, brings me to another provision. I referenced in my opening comments relating to this bill and the comments that had been made by members of the government during the Second Session of the Thirty-fourth Legislature, relating to a bill that had been brought forward by the then-opposition critic for Highways and Transportation. In that private member's bill that was brought in at that time, the member was attempting to bring forward an issue that while it might not have been large in its significance, nevertheless, it was important enough for the government to include in this piece of legislation, Bill 5. It is dealing with the visibility of number plates.

I look back at some of the comments that had been made, not only by the Minister of Education but also by the now-Minister of Energy and Mines (Mr. Orchard), pertaining to the private member's bill that was brought in at the time. Certain members railed on the then-opposition critic, saying that the defining moment for that party at that time was going to be their clean licence plate legislation, and that was going to be the issue that defined the Liberal critic at that time.

Now it is interesting to see, Mr. Speaker, that the government has incorporated this private member's bill into the current legislation, Bill 5, at a time when they were railing on the then-critic for his bringing forward of this legislation. So obviously the government thought that there was some importance to it, and they have now taken some recommendations from the opposition and have incorporated it into some of their legislation. I know the previous minister had taken some of my amendments in committee and had incorporated it into legislation, so I guess, from time to time,

government does take the steps to take some of the serious suggestions and work them in to make improvements to the legislation and laws of our province.

This legislation dealing with the registration section in Autopac 2000 has new enabling provisions where they changed the administrative portion or the way the act is utilized or interpreted from administrative into regulations. I will read into the record some of the areas where it makes the changes that regulations will now take effect. The regulations will be pertaining to the registration of vehicles and registration periods, registration permits and periods of validity, exemption from registration requirement, transfer of ownership, display of number plates, retention or return of number plates, nonstudent vehicle identification stickers, defining residency rules corresponding to Manitoba Public Insurance Corporation's personal injury protection plan. So, Mr. Speaker, there have been a number of changes that will be involving the act itself that will be defined by regulation versus administrative practice.

It is my understanding too that the Department of Highways and Transportation has had some problems pertaining to court documents and that some of the cases that they have brought forward have been thrown out of court within the last year. I reference the fact that the Motor Vehicle Branch, I believe, was utilizing documents that had a permanent signature on a piece of paper, which sometimes things that we see, even in this House, where there are a large number of documents that are being produced and there is a signature that is affixed, or lithographed, I believe, is the process that is being used. Now the courts have thrown that out saying that the documents are not valid.

So I guess we have gone back to the practice of signing each and every individual piece of correspondence that takes place, and I suppose that would be a somewhat more onerous task for the Registrar to undertake. I am sure he is a very busy individual already. Now he has to sign every piece of correspondence. I suppose that would be the only way to ensure that he indeed did read what he

was signing and that would provide some assurance that it was not just staff or administrative people taking those responsibilities unto themselves. So this will allow for some allowance for the Registrar to have the ability to have pre-printed amounts of paper ready and available and it would be acceptable by the courts.

There is also a provision in the legislation, Mr. Speaker, that makes reference to the fact that there is some discrepancy between—[interjection] Mr. Speaker, some of my colleagues do not like to hear my comments from time to time on the other side of the House. Nevertheless I think that they are important, and I will indeed continue to put them on the record, despite some of my colleagues' admonishment on my comments.

Mr. Speaker, there was some discrepancy between the English and the French versions of this legislation relating to the Criminal Code offences. There have been some changes in the act to clarify that, and I think that would probably be important for the interpretation.

One other provision here near the end of the bill makes reference to the fact that there is going to be a set-up fee for private vehicle inspection and repair facilities. It makes reference to the fact in the explanatory notes, and it is something I am not sure of, and I ask the minister to clarify it for me. It makes reference to the fact that approval was given to set up this fee by way of the February 25, '94, as part of the 1994 Revenue Estimates process, so I am not sure, Mr. Speaker, we were not in the Estimates process at the time in February. In fact, this session had not even commenced, so there seems to be some discrepancy there, and I am sure the minister will have the opportunity to clarify that for us.

It goes on, Mr. Speaker, in the bills to talk about The Off-Road Vehicles Act and changes to the Manitoba Public Insurance Corporation Act. I am sure that I will have the opportunity to ask further questions of the minister relating to this legislation when we get into clause by clause, and I look forward to members of the public having the opportunity to come forward and to make their

suggestions or comments or recommendations on this legislation.

Thank you, Mr. Speaker, for the chance to add my comments on Bill 5.

Mrs. Sharon Carstairs (River Heights): Mr. Speaker, I am pleased to stand to speak to Bill 5. I am not going to put many comments on the record so that we can hopefully get this bill into committee as quickly as possible.

Much of the act is housekeeping, in fact I think one could say a good 90 percent of the bill is housekeeping. In the housekeeping provisions it is interesting to note that, of course, what they have done is to update some sections so that they will be parallel to other changes that have been made so that they are not out of sync, one piece of legislation with another piece of legislation.

They have also, for example, with respect to the vehicle inspection legislation, taken certain sections which were unproclaimed. Now they have put them in this legislation so that they can have force and effect, which leads me to the part which I find most interesting about this particular bill. What they have done in this bill, what the government hopes to do, of course, is to provide the legislation for the implementation of Autopac 2000, except Autopac 2000 does not come into force and effect for the greatest extent until July 1995.

So, one says, well, why are we now passing legislation to implement a program which is not going to take effect for another year when we have already seen in a piece of legislation passed in the last session that they have had to make changes to that because they could not put it into effect?

In other words, are we putting the horse a little bit before the cart when in fact we do not even have the cart properly attached to its wheels? That I think is not a good process in the Manitoba Legislature.

As to what they want to do with Autopac 2000, I do not have any serious disagreements. I think much of the ideas and many of the initiatives are positive.

When we had the Manitoba Public Insurance Commission in before the legislative standing committee, what they said at that time was that they could not give us information because it was still too early. Because it had only been implemented for I think it was four months at that particular point in time, they did not know what some of the costs were going to be; they did not know exactly what some of the benefits were going to be.

So I wonder if we are going to be back in this session next year making further additions to this particular piece of legislation because MPIC has indicated that the provisions that we pass this year are perhaps not the most ideal for the actual operations.

I wonder seriously why we are doing this at this juncture. I know that we are, to some degree, in an election mode, and perhaps everyone thinks we will not be back in session in order to pass this, and that would be not such a good idea because they do want to implement Autopac 2000, but I am not sure that it is good legislative precedent.

* (1730)

That is really what I want to put on the record, that I do not know if we should be in fact passing legislation before we have had ample time to examine program initiatives and in such a way that we will then have to come back and make changes before the legislation has even had force and effect.

There is, however, one aspect of Autopac 2000 that has not been dealt with, and if we do indeed have to come back and make some amendments, then I would ask that the Department of Highways and MPIC take it into consideration and that is that we are now going to have staggered payments, which I think is an excellent idea. I think it will create efficiencies.

More importantly, I think it will be very important to the small-business sector that suffered a great deal because everybody was saving up their money to pay their Autopac payment at the end of February. In the small-business industries, that really was felt by many of them. They simply had bad months in February because everybody was

trying to make their Autopac payments. So, I am hopeful, and I think the government is hopeful, that staggered payments will make for a more stable business sector, positive.

But what we have not yet done, and something which I think we really should be considering, is should we not also go to a monthly system of the payment of car and automobile insurance? I mean, it is getting more and more expensive to have coverage. For many people, even though we now can make those payments more often than we could in the past when we had to pay it all up front once a year, it is still a tremendous burden, particularly on young people who have heavy insurance payments to pay.

I wonder if we could not make it economical whereby they could send postdated cheques, if you will, and those postdated cheques had to be kept on file, but that they would be able to make their payment on a timely monthly basis, which would perhaps make the payment not quite so burdensome, as it is for students, for lower-income Manitobans, for those who, quite frankly, find it difficult to write a cheque for \$800 or \$900 as many have to do, and if it is a two-car family, twice that amount of money.

So with those few comments on the record, Mr. Speaker, I hope we can take this to committee, and hopefully we can see its speedy passage. Thank you.

Mr. Speaker: Is the House ready for the question? The question before the House is second reading of Bill 5, The Highway Traffic Amendment and Consequential Amendments Act; Loi modifiant le Code de la route et apportant des modifications corrélatives. Is it the pleasure of the House to adopt the motion? Agreed? [agreed]

Bill 12—The Provincial Auditor's Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Consumer and Corporate Affairs (Mr. Ernst), Bill 12, The Provincial Auditor's Amendment Act; Loi modifiant la Loi sur le vérificateur provincial, standing in the name

of the honourable member for Brandon East (Mr. Leonard Evans).

Mr. Leonard Evans (Brandon East): Mr. Speaker, I just have a few remarks to put on the record with regard to this bill.

Firstly, it is minor inasmuch as what it does is accommodate, I understand, a request from the Provincial Auditor's office to delete two sections of the act which will, therefore, allow them to no longer engage in a preaudit function. I understand that this is satisfactory because much of the preaudit can be done by departmental accountants anyway.

I want to take the opportunity, just a few minutes, to express our concerns about what is happening to the Provincial Auditor's office and the services that agency offers to the public agencies of the province of Manitoba.

We are concerned about what I would consider the reduction or the downplaying in the level of service that the Provincial Auditor's staff can provide the people of Manitoba. In other words, what I am concerned about is handing over to private accounting firms a lot of the auditing functions that used to be done by the Provincial Auditor of Manitoba. I cite by way of example, Mr. Speaker, the Manitoba Liquor Control Commission, the Manitoba Lotteries Foundation, the Addictions Foundation of Manitoba. All of these, I understand, at one time were well serviced by the Provincial Auditor and, for whatever reason, they have given over to the private sector.

Also, the community colleges now have their own boards of administration, their independent boards that have been appointed to run the colleges. I understand all of them have gone to a private accounting company to do the audit rather than continue the services of the Provincial Auditor.

I find that really strange, Mr. Speaker, when I compare this to what is happening to the universities, because for a long time the universities, which are far more independent than the colleges, far more removed from government than the colleges, have always maintained the Provincial Auditor. Historically, the Provincial

Auditor of Manitoba has been used to do the auditing functions required of those very important publicly funded agencies, that is, the universities of Manitoba.

So on the one hand, universities, in their wisdom, have decided to carry on with the Provincial Auditor. Yet, the colleges with their newfound independence of sorts, limited rather, but nevertheless with the ability to appoint Auditors, have gone to the private sector.

There is another area as well where you see privatization occurring, and that is with the new Special Operating authorities that have been creeping up in the various departments. This is a new phenomena, a new way of administration, in a sense. We do not necessarily oppose that, but the fact is that these individual authorities are hiring their own private auditors. So that is the concern we have.

There is another concern we have, Mr. Speaker, that involves the Auditor and that is, we believe the Auditor of Manitoba should play a role in monitoring advertising by government departments and government agencies. We have seen examples in recent months of this government using taxpayers money to engage in virtual political advertising, and I say there is no place for political advertising when it is paid for by the taxpayers of Manitoba. Very good if the particular party involved in government, in this case the Conservative Party, is prepared to pay for that advertising, but certainly not advertising which is purely of a political nature that is being paid for by the taxpayers.

Here is an example, a half-page ad. The Filmon government rings up 115 new jobs and so forth and so on. You know, two days before there was a picture of the same picture, this big ad, big front-page story in the Brandon Sun on this issue. So you are not telling anybody what has happened. Everybody knows that this announcement was happening, and everyone was glad to get the jobs and all that, but then the government had to go about—you know how much that half a page cost? That is about \$500 to \$600. The Filmon government rings up 115 new jobs, you know.

That is because Premier Gary Filmon was able to convince this company to come here. You know, patting Premier Filmon on the back and it is just so great. Well, this would be a fine ad to be paid for by the Progressive Conservative Party of Manitoba.

There was a similar ad in the Portage la Prairie paper regarding CalWest Textiles. Another half-page ad. There are other examples around the province. Then, of course, there are examples on television of advertising by this government, and Mr. Speaker, I know all governments are tempted to advertise and put the best foot forward and to brag about programs and so on, and all governments have done it but frankly, this government has gone too far in this respect. They are using taxpayers' money to get across a political message, because this ad is not going to attract any more industry. All it is doing is telling the people what a great job Premier Filmon and his government are doing, and what a great premier Mr. Filmon is. That is all this ad does. So I say that is a political ad. Fine, it is a good ad. It is a good political ad and should be paid for by the party, not by the taxpayers.

I think, therefore, the Provincial Auditor should have a role in monitoring advertising expenditures of all departments of all agencies, and therefore I think that it would be appropriate. I would like to propose this as an amendment when we get to the committee stage, that the Auditor be given authority to engage in regular, perhaps annual, reviews of advertising expenditures and to comment upon them, upon the appropriateness of those advertising expenditures, because, my God, Mr. Speaker, when we do not have enough money to fund hospitals, to fund schools, when we have to cut back on all kinds of social agencies, it is just unconscionable to spend this kind of money on these kinds of ads.

Mr. Speaker: Order, please. I would like to remind the honourable member for Brandon East that what is presently before the House is Bill 12, The Provincial Auditor's Amendment Act. What is at question here is that she has recommended that we have a pre-audit of vouchers. That is what the bill basically does. It is a pre-audit of vouchers.

Mr. Leonard Evans: Mr. Speaker, I understand that the bill relates to curtailing a certain function of the Auditor, but nevertheless, surely at stake and what is involved here is the function of the Provincial Auditor to serving the people of Manitoba. That is the function.

I recall some years ago, bringing in what I considered a very tiny act—I think when I was Minister of Natural Resources—some minor administrative change, and we heard a 40-minute speech by Mr. Warner Jorgenson at the time on the merits or demerits of the Department of Natural Resources.

Mr. Speaker, I am simply saying the Provincial Auditor has a role to play in monitoring advertising expenditures, and I also believe that the Provincial Auditor, when she or he issues reports to the Minister of Finance, those reports should be also made available to the Chair of the Public Accounts committee, who would distribute them to all members of the committee.

I think there are provisions, Mr. Speaker, for the Provincial Auditor to make reports to the Speaker of the House in certain circumstances, in certain categories. But I think when the Provincial Auditor makes a report available, such as the recent report on the Jets, to the Minister of Finance, it should be made available simultaneously to the Chair of the Public Accounts committee, who in turn can distribute it to those members.

Another point, Mr. Speaker, regarding the Provincial Auditor, because we are discussing the degree to which the Provincial Auditor shall serve the public of Manitoba and the government of Manitoba, I believe the Provincial Auditor should play a key role in selecting private auditors where it is deemed fit and necessary to have private auditors.

We should do what they do in the Province of Alberta. In the Province of Alberta, the Provincial Auditor of Alberta is involved directly in the selection process and in part of the decision-making process of selecting private auditors.

I am not suggesting that the government does not have a role to play here. The Minister of

Finance or the Lieutenant-Governor-in-Council of course has a role to play because it is the government of the province that has to be responsible for the spending of money. Nevertheless, I think it is appropriate that the Provincial Auditor could and should play a role in the selection of private auditors.

Mr. Speaker, with those few remarks, if we were earlier on in the session and had more time I would have more to say about the role of the Provincial Auditor, but I know time is of the essence and we want to get on with other business. So with those few remarks, we are quite prepared to see this bill go to committee and consider some amendments hopefully at that time. Thank you.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I would like to start off by acknowledging that these changes were in fact requested by the Provincial Auditor. The repeal of these two sections removes the requirement for the Provincial Auditor's office to pre-audit all government expenditures. The Provincial Auditor's office will continue to do spot audits, but they will no longer check to ensure that every expenditure has legislative authority, if you like.

I recall in the LAMC meeting where there was, in fact, consensus from all three political parties, Mr. Speaker, after the Provincial Auditor had the opportunity to make presentation, and I believe all members saw the merit in terms of what it is that she was proposing to do and accepted that.

The only other thing that I would add comment to is by trying to facilitate a change of this nature, hopefully we will see those same sorts of resources that were being used to carry out that function that we are changing still maintained, and the Provincial Auditor's role in different areas will, in fact, be expanding.

I have, I know, in the past commented in terms of some of the other things that the Provincial Auditor's office could be doing in order to facilitate better dialogue, better debates, better levels of debates and providing more information to not only opposition members but all members.

Having said those few words, Mr. Speaker, we are quite prepared to pass it to committee.

Mr. Speaker: Is it the will of the House to adopt the motion? [agreed] Bill 12 is accordingly passed for second reading.

Bill 14—The Real Estate Brokers Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Consumer and Corporate Affairs (Mr. Ernst), Bill 14, The Real Estate Brokers Amendment Act; Loi modifiant la Loi sur les courtiers en immeubles, standing in the name of the honourable member for Burrows (Mr. Martindale).

Mr. Doug Martindale (Burrows): Mr. Speaker, you will be pleased to know that we only have one speaker on this bill and then we are prepared to pass it to committee.

Mr. Leonard Evans (Brandon East): Mr. Speaker, I thought I gave a rather brief speech on that other issue.

Like many of the bills of this session, Bill 14 is not controversial nor is it very substantive. I understand that aside from changing some of the words that make them gender neutral and a few other minor wording changes there are basically a couple of changes in the act which were explained by the minister.

One deals with trust accounts and unclaimed funds that will now be paid to the Manitoba Securities Commission and then paid into Consolidated Revenue. I understand this will not involve a great deal of money anyway, and that is fine. It sounds like a good move.

Secondly, the second change allows for real estate brokers to set up their own branch offices which I do not see any difficulty with, and there are some other miscellaneous changes, so we are quite prepared to see this pass on to committee. Perhaps members of the real estate industry may be at the committee and wish to make some proposals and suggestions, and we will be willing to hear what they have to say and come back in third reading.

So with those few words, Mr. Speaker, we are prepared to see this pass.

Mrs. Sharon Carstairs (River Heights): Mr. Speaker, I rise to speak on Bill 14, and I will be the only member of our party speaking on it, so hopefully it can go to committee later this afternoon.

Again, this bill is extremely noncontroversial. It is interesting that this session has had what I would say is a small level of controversy in terms of the bills introduced in this Chamber. It could be, I suppose, again, that we are looking at an election and we therefore do not want to do anything that is too controversial at this particular point in time.

The major provision, of course, is that the monies that presently rest with brokers and are not claimed by the individuals who gave them in deposit in trust to the brokers will go, first of all, to the Manitoba Securities Commission, and then it will go to the Consolidated Fund. That is particularly appropriate, particularly in light of the fact that the provision is still there to make it possible for brokers or for the individuals to claim on the Consolidated Fund.

I suppose that what I would like to do at this point is to put a suggestion before the minister responsible for this particular piece of legislation, in that ultimately there will be no claim and this money will in fact end up in the Consolidated Revenue Fund of the province.

I wonder if it is not possible for that money to not ultimately go to a nonprofit corporation such as Habitat for Humanity, which provides homes for individuals throughout the province, although at the present time only in the city of Winnipeg. To my knowledge I do not think there have been habitat homes built outside of the city of Winnipeg, but they do provide homes which people must purchase but they get an interest-free loan to purchase those, and they have to also contribute to the construction.

If, in fact, this amount of money could be used to help fund the operations of Habitat for Humanity, when there is no claim by individuals for this money from the Consolidated Fund, then it seems to me that would be a good purpose for this particular balance of funds.

I would simply ask that the minister responsible take this suggestion into consideration. I know that obviously it has to remain in the hands of the government for some time. Because if an individual makes a claim against the government, we would not want that monies to have been passed on even to a nonprofit corporation. This is a suggestion that could, in fact, see some money that has found its way into Consolidated Revenue from housing now used for housing for people who desperately need that housing in our community.

* (1750)

The second provision, which makes it possible for brokers to open up a branch, appears to be reasonable. However, there is a provision in the Winnipeg real estate community which I think is a bizarre one and I hoped might be addressed by this particular act. That is, that it is not possible in the city of Winnipeg, although it is possible elsewhere in the province of Manitoba, to be a so-called part-time real estate broker. Now, of course, it is possible to be a part-time real estate broker provided you do not make your living from anything else. If you choose to be a real estate broker and you get no income from any other source in the city of Winnipeg, then, of course, you just work part time, you are just listed as a full-time broker; but if you do this on a part-time basis, then, of course, you cannot do it on a part-time basis.

That is something that I would like to see changed in the city of Winnipeg and, I think, could have been addressed in this particular act and was not addressed in this act.

Again, I would suggest to the minister that it is something that we should consider and that we should change so that there is consistency throughout the province. That consistency does not exist at the present time. Thank you, Mr. Speaker.

Mr. Speaker: Is it the pleasure of the House to adopt the motion? Agreed? [agreed]

Bill 18—The Insurance Amendment Act

Mr. Speaker: On the proposed motion of the honourable Minister of Consumer and Corporate Affairs (Mr. Ernst), Bill 18, The Insurance Amendment Act; Loi modifiant la Loi sur les

assurances, standing in the name of the honourable member for Thompson (Mr. Ashton). Stand?

An Honourable Member: No.

Mr. Speaker: No. Leave is denied.

Mr. Doug Martindale (Burrows): Mr. Speaker, it is with great pleasure that I inform all honourable members that we are only putting up one speaker on this bill.

Mr. Leonard Evans (Brandon East): Mr. Speaker, this is another very minor bill in the sense that there are a couple of small changes, nevertheless, changes that I think are probably positive changes. The first allows the operating funds of insurance companies to be deposited in the name of an insurer in trust companies, credit unions and caisses populaires as well as banks. Up until now, I understand, it was just banks where they could make these deposits, and I think that it gives the insurance agencies, insurance companies a bit more flexibility, and I do not see any difficulty with that amendment.

The second amendment allows licensed general insurance agents to adjust the claim of a policyholder where the value of the claim is \$2,500 or less, and the policy has been sold by that agent or that agency and where it has been authorized by the insurance companies.

So I do not see any difficulty here. I believe there has been general agreement. The minister tells us that the industry is generally in agreement and wants this change. So it certainly will put agents in a position to make decisions that normally would be done by adjusters, but these are all relatively minor claims and there may be some problems. At any rate, we are quite prepared to support this to go to second reading. Certainly, there is no problem in allowing the money to be in trust in credit unions and caisses populaires and trust companies as well as banks. On the second issue of the utilization of the agents for adjusting, this sounds like a fairly good idea, but I think we should also be prepared to hear comments at the committee stage and keep an open mind on the issue.

So with those few words, Mr. Speaker, we are prepared to pass the legislation.

Mrs. Sharon Carstairs (River Heights): Mr. Speaker, Bill 18 seems innocuous enough, but it has, in fact, led me to have some discussions with three groups of people. Certainly the large groups of adjusters think this is positive because they do not want to deal with the very small claims. They feel that the claim of less than \$2,500, quite frankly, is very time-consuming, does not particularly pay very well, and they think that it will be wonderful if it goes to the individual agent to deal with this.

So that led me to talk to the insurance agents as to whether they wanted to now have this particular right and authority, because although adjusters would be paid a fee, they probably will not be paid a fee for settling this because they will be just dealing with their client. My reaction from the insurance agents that I spoke with was that they thought this was positive, because the short-term settlement of a small claim meant that instead of being embroiled in months and months of getting your \$200 claim or your \$500 claim up to your \$2,500 claim, they could probably evaluate it very quickly. They would be providing a service to you, and they would be able to see that you got settlement quickly.

So that led me to the third group, which were the small adjusters, and I have to say they were not in favour of this particular piece of legislation because many of them make maybe \$200 maybe \$250 on a \$2,500 claim, but for some of them that is their bread and butter. That is the group of individuals that I hope to hear from at the committee stage, because if we are in fact doing serious damage to their potential to earn an income, then that will have to be balanced against, obviously, the important issue of the consumer which is, do they need to have their claim settled more quickly? Will this be less cost-effective for them?

Particularly in terms of some of the flood claims of last year, they were going on for months and months because the adjusters were simply too busy to get around to them. They could have solved these much more quickly if their insurance agent had been able to meet their need.

So subject to hearing very serious objections from some of the small adjusters at the committee stage of this bill, I want it to go to committee, and we can have that debate and discussion at that time. Thank you, Mr. Speaker.

Mr. Speaker: Is the House ready for the question? The question before the House is second reading of Bill 18. Is it the pleasure of the House to adopt the motion? Agreed? [agreed]

Bill 18 is accordingly carried.

Is it the will of the House that the Speaker not see the clock until we have dealt with Bill 23 and Bill 15? There is agreement on that? After, I believe we conclude with Bill 15, the honourable government House leader will put us into Committee of Supply at that time.

Okay, now we are going to deal with Bill 23.

Bill 23—The Manitoba Historical Society Property Act

Mr. Speaker: On the proposed motion of the honourable Minister of Consumer and Corporate Affairs (Mr. Ernst), Bill 23, The Manitoba Historical Society Property Act; Loi sur les biens de la Société historique du Manitoba, standing in the name of the honourable member for Inkster (Mr. Lamoureux).

Mr. Kevin Lamoureux (Inkster): My comments are going to be somewhat brief on this particular bill. It is a bill which we support. Basically, what it does is it restores ownership of the property in the Manitoba Historical Society. The act which makes them the owner of the property was inadvertently repealed.

I know the member for Crescentwood (Ms. Gray) did get an opportunity to address this particular bill on another bill, that being a private member's bill, Bill 302, on June 14, where she has put on the record her support and some remarks with respect to this particular bill, and using that and my very few words, I will be prepared to pass this bill on to committee stage.

Ms. Jean Friesen (Wolseley): We are also prepared to pass this bill on to committee. It is the companion piece to the private member's bill,

introduced by the member for St. Vital (Mrs. Render) and myself, dealing with the corporate status of the society.

This particular bill deals with the property of the society and restores to the society, particularly, the property of Dalnavert, Sir Hugh John Macdonald's house, which is operated as a very elaborate and very successful museum.

I had some concerns about this bill because Dalnavert does pay taxes to the City of Winnipeg until very recently, and it was my concern that while the property had been in the hands of the Crown, which it had been inadvertently, as the member for Inkster suggested—and, yes, I think it was an inadvertent and unfortunate mistake or delay, perhaps on the part of the society, for their property did revert to the Crown, and during that period taxes were paid by the society to the City of Winnipeg.

I did have some concerns of principle about the Crown paying taxes to the city. I spoke to Legislative Counsel, and I have spoken to the minister about this, and our assumption is that the society was a tenant during that period and paid taxes as a tenant during that period.

With those comments, Mr. Speaker, perhaps for posterity, on the position of the Crown and taxation, we will let this pass to committee.

* (1800)

Mr. Speaker: Is it the pleasure of the House to adopt the motion? [agreed]

Bill 23 is accordingly carried for second reading.

Bill 15—The Law Society Amendment Act

Mr. Speaker: On the proposed motion of the honourable Attorney General (Mrs. Vodrey), Bill 15, The Law Society Amendment Act; Loi modifiant la Loi sur la Société du Barreau, standing in the name of the honourable member for St. Johns (Mr. Mackintosh).

Mr. Gord Mackintosh (St. Johns): We have reviewed this bill and of course looked at it against the test as to whether it better protects the public interest, which after all is the reason that we have given powers to the Law Society of Manitoba. It

appears from our review that the public interest will be better served as a result of these amendments.

I understand that the amendments have all been worked on over some period of time and proposed by the Law Society, and of course that of itself does not in any way mean that we just rubber-stamp this. In fact, quite the opposite, we have to be very vigilant over the self-governing professions.

There are some very positive changes, particularly with regard to allowing for prepaid legal services in Manitoba and allowing for open panels, allowing for foreign legal consultants to come into Manitoba and advise. Of course, that was a recommendation from the Federation of Law Societies. As well, I think a very good change, it allows for the Law Society to advise the public of the receipt of any complaint or whether their investigation is ongoing regarding any lawyer. Although I have some additional questions, I will address those in committee with regard to that provision.

I initially had some concern about the provision which took out of the legislation the list of the kinds of tasks that articling students can perform. I have some long-standing concern about the shift from statute law to regulation generally, and so when I saw that I had concern—but then on closer examination I discovered that the legislation already allowed for the Law Society itself to construct the rules as to what jobs an articling student can do. I will be interested as well to pursue that a bit further in committee.

Finally, the bill tightens up the rights of lawyers and clients when there is a custodianship and deals with liens in a very effective way. We have brought our concerns about self-governing professions, and we have been looking at the Law Reform Commission report, but we will be addressing those down the road.

So with those comments, we are prepared to move this bill to committee.

Mr. Gary Kowalski (The Maples): Mr. Speaker, it is a pleasure to rise and speak to the bill.

The Law Society requested most of the changes found in this legislation. These amendments improve the society's ability to investigate complaints about lawyers. It gives the society broader powers to obtain files of a lawyer who is subject to an investigation.

The matter permits society to release the information to the public as to whether a matter is under investigation and requests that society to disclose information to law enforcement authorities about possible criminal activity. It provides for the operation of prepaid legal service plans. It also permits a lawyer from another province to provide legal advice in Manitoba concerning the laws of the other country and gives some protection to Manitobans to consult with such a lawyer.

This legislation will result in better service to Manitobans. These amendments are a good move in the direction of providing more information and protection to the public when they are dealing with lawyers.

Publishing the names of lawyers who have been suspended will make the public aware of those lawyers being investigated, as will the society's ability to disclose to anyone that a complaint has been received concerning a member. If criminal activity is involved, the society has an obligation to inform law enforcement authorities.

This is something that the public has been demanding with respect to the conduct of doctors. It is a good move with respect to the conduct of lawyers. It should be up to the law enforcement officials to determine if charges should be laid. We support sending this legislation to committee so that we may hear from lawyers and consumer groups as to the protection offered.

Mr. Speaker: Is the House ready for the question? The question before the House is second reading of Bill 15, The Law Society Amendment Act. Is it the pleasure of the House to adopt the motion? Agreed? [agreed]

Bill 15 is accordingly carried.

House Business

Hon. Jim Ernst (Government House Leader): Mr. Speaker, with the understanding that we will recess immediately following the putting of this motion to the House and that Committee of Supply will sit beginning tomorrow at 9 a.m., I move, seconded by the Minister of Government Services (Mr. Ducharme), that Mr. Speaker do now leave the Chair and the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

Motion agreed to, and the House resolved itself into a committee to consider of the Supply to be granted to Her Majesty with the honourable member for St. Norbert (Mr. Laurendeau) in the Chair for the Department of Highways and Transportation; and the honourable member for Seine River (Mrs. Dacquay) in the Chair for the Department of Finance.

Mr. Speaker: The House is accordingly recessed till 9 a.m. tomorrow (Thursday)—committee is recessed.

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 22, 1994

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