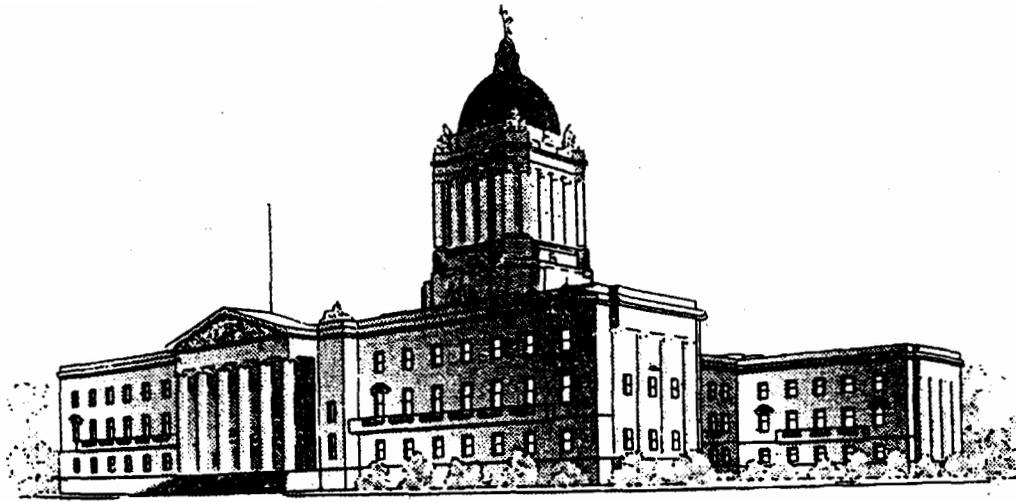




Fifth Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba
DEBATES
and
PROCEEDINGS
(Hansard)

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



Vol. XLIII No. 60A - 1:30 p.m., Monday, July 4, 1994

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
SCHELLENBERG, 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

Monday, July 4, 1994

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

READING AND RECEIVING PETITIONS

Railway Traffic Safety

Mr. Speaker: I have reviewed the petition of the honourable member (Mr. Leonard Evans). It complies with the privileges and the practices of the House and complies with the rules. Is it the will of the House to have the petition read? No? Dispense.

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

WHEREAS there have been two recent serious railway accidents in Brandon involving children; and

WHEREAS many residential buildings are near railway tracks in Brandon and in urban communities throughout the province; and

WHEREAS many units owned by Manitoba Housing have no rear yard fences, making it difficult to keep small children in the safety of their back yards; and

WHEREAS it is important that everything reasonable be done to enhance the safety of children, including steps that would minimize future possible accidents involving railways.

WHEREFORE your petitioners humbly pray that the Legislative Assembly request the Minister of Housing (Mrs. McIntosh) to consider the installation of fences in back yards of residential units owned by Manitoba Housing, particularly in those near railways.

AND FURTHER your petitioners humbly pray that the Legislative Assembly will request the Minister of Highways and Transportation (Mr. Findlay) to encourage and promote improved safety

conditions to protect young children from railway and other traffic accidents.

AND FURTHER your petitioners humbly pray that the Legislative Assembly will request the Minister of Highways and Transportation to review this issue of railway traffic safety with the federal Minister of Transport to enhance and promote a greater degree of safety in the vicinity of railway trackage with particular reference to small children.

ORAL QUESTION PERIOD

Farm Support Programs Government Position

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

Today, there is a very important meeting with Agriculture ministers across Canada meeting in Winnipeg dealing with the proposals from the federal government and from the various provinces. This meeting is taking place under the environment of suggested reductions in support both for farm support programs and for transportation programs in the province of Manitoba and nationally.

We have lost close to 1,400 farms in Manitoba since 1988, a situation that is not unique across western Canada and prairie Canada with the decline in farming incomes and the decline in supports for farmers and farm families in this province. This is a very, very important issue for us and for all members of this Chamber because agriculture is one of the most important industries in our province.

I would like to ask the Premier, can he table today in this Chamber the position that Manitoba is taking to that important meeting of Agriculture ministers?

Hon. Gary Filmon (Premier): Mr. Speaker, I will take that question as notice on behalf of the Minister of Agriculture (Mr. Enns).

Status Report

Mr. Gary Doer (Leader of the Opposition): Mr. Speaker, there are reports that the existing programs will be replaced by a so-called whole farm program. Our concern is, of course, that if the whole farm program is developed, we do not have a situation where we have a new program but we have half the support or less than the existing support for farmers across Canada.

All the advisory groups to our Agriculture minister and all advisory groups in agriculture in Manitoba have recommended that the levels of support from the federal government remain at least at the '94-95 level, that this not be an attempt to just rejig the numbers and lower the investment in farm families and in western Canada.

It was indicated in some media reports today that Manitoba was worried that the federal government would be reducing their support for programs with the new farm support program.

I would ask the Premier, have there been any numbers on the table, and are there any possible reductions in support to western Canadian farmers at the meeting in Winnipeg today?

Hon. Gary Filmon (Premier): Mr. Speaker, as the member knows well, our Minister of Agriculture (Mr. Enns), the member for Lakeside, is chairing that very, very important meeting. He will take a very strong stand on behalf of all Manitobans, ensuring that not only will farm support programs be preserved for the benefit of our farmers in Manitoba to ensure that they do have the security that they need to continue to operate the family farms and to be able to continue to prosper on the farms, he will of course be very, very adamantly opposed to any attempts on the part of the federal government to offload onto the provinces.

Those possibilities do exist from the cursory examination that we have of the proposals the federal government is talking about, but since we do not have details, I cannot give him any more

information as to exactly what the federal government is proposing. We do have grave concerns when we read comments from the Honourable Doug Young about potential for major, major reductions in transportation programs, primarily the Western Grain Transportation assistance programs and others.

I know our Minister of Agriculture will be taking the strongest possible stand on behalf of Manitoba farmers.

* (1335)

Co-ordination

Mr. Gary Doer (Leader of the Opposition): Mr. Speaker, I know the Premier mentioned the issue of transportation grants. Of course, transportation programs plus the farm support programs are very important in their total, the accumulative total at the farm gate and to farm producers in western Canada.

Can the Premier indicate the co-ordination from our own province on dealing with farm income that is arising from a provincial government position on both the agricultural transportation policies and the proposals that are being dealt with by the Ag ministers? How is it proposed by the federal government that both these programs will come together? How is it that the Manitoba strategy will deal with a comprehensive set of investments for agriculture and for western Canadian producers, rather than having one track dealing with the farm support and another track dealing with the farm transportation policy and not having a co-ordination from the federal government and therefore no co-ordination at the farm gate.

Hon. Gary Filmon (Premier): Mr. Speaker, I will take that question, as well, as notice on behalf of the Minister of Agriculture.

Provincial Court Backlogs

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

As of last Friday, about one-quarter of the full-time Provincial Court judges in Manitoba who

were available to deal with the issues of Manitobans were no longer available to serve. The government has bought off eight judges recently at a cost of about a million dollars to taxpayers, while over 200 court-sitting days in Winnipeg this summer alone have been cut by the government due to Filmon Fridays.

In light of this and the fact that relations between this minister, the government and the judges of the Provincial Court and the morale of the judges have deteriorated to the point where the judges have now today launched a legal proceeding against the government, will the minister advise how the court backlogs can possibly be reduced this summer, and will she advise this House now how much worse these backlogs will get?

Hon. Rosemary Vodrey (Minister of Justice and Attorney General): Mr. Speaker, just to correct the record—the member is frequently wrong; he very rarely has his facts right—it is my understanding there are seven Provincial Court judges who have accepted the retirement.

Mr. Speaker, media reports indicate that court documents will be filed at some point today. In the interest of due process, in the interest of fairness, I will be confining my comments to the fact that we as a government will be filing our defence in court, and our statements will be made in court in response to any documents filed by the other side.

I would also like to make it perfectly clear that this government intends to respect the court's decision in this matter.

Political Interference

Mr. Gord Mackintosh (St. Johns): In the interest of Manitobans, would the minister confirm that the government has attempted to use its financial clout to silence and to stifle, interfere with the Provincial Court judges speaking up on an issue related to its independence, that is, the application of Filmon Fridays to the court?

Hon. Rosemary Vodrey (Minister of Justice and Attorney General): Mr. Speaker, again, I am shocked by the member's questions, by his attempt to frequently interfere, by his attempts to meddle in the area of judicial independence, by his attempts

to meddle in cases before the court, by his attempts to meddle in cases where sentencing has not been handed down.

It is shocking to me that someone with legal training would meddle so very closely in matters which have been before the court or are presently before the court.

* (1340)

Mr. Mackintosh: Rather than reflecting on the propriety of the questions, Mr. Speaker, perhaps the minister should read *Beauchesne*.

I would like to table letters between the government and counsel for the judges. By the way, Mr. Speaker, the letters will show that the government has withdrawn support for a salary increment to judges on the condition that they forgo pursuing a matter in court against the government.

My question, Mr. Speaker, is, how does the minister justify the independence of the judiciary in light of this action by the government in trying to silence the judges?

Mrs. Vodrey: Mr. Speaker, the member is absolutely wrong. He is absolutely wrong in what he characterizes as a part of the letter, and he should be ashamed of what he has characterized as a part of the letter.

As the member knows, there are ongoing discussions to arrive at judicial compensation, and this was simply part of the process which is being led by the civil servants to deal with judicial compensation.

Provincial Court Workweek Reduction

Mr. Paul Edwards (Leader of the Second Opposition): Mr. Speaker, my question is also for the Minister of Justice, and my question relates directly to the implementation of Bill 22 by this government, which does not offend any rule of parliamentary procedure to discuss it openly.

My question for the Minister of Justice is, were the judges, those who administer the courts in this province, the Provincial Court judges, given the same leeway to apply those reductions as many

hospital administrators were given after many discussions with the Minister of Health (Mr. McCrae)? He did see the light and allowed hospitals and hospital administrators to apply Bill 22 in the way to cause the least harm to the delivery of services.

Were the judges given that same independence, that same ability to take those reductions in cost and impose them as they saw fit and as they best know, running those courts every day, every week in this province?

Hon. Rosemary Vodrey (Minister of Justice and Attorney General): Perhaps the member is already privy to whatever documents will be filed by the judges today. I have not yet seen them. I will be very careful and will refrain from answering in the interests of not wishing—[interjection] Mr. Speaker, the other side seems to feel that there is not a line here. There most certainly is a line. It is absolutely imperative that I respect the judicial process, that we know what has been filed as an issue, as a case before the court, and that I not make any statements which might jeopardize a case before the court.

Mr. Edwards: This minister, this government, have interfered with the courts more than any other administration in the history of this province, Mr. Speaker. Consistently they have done that.

My question for the minister: In the implementation of Bill 22, in the administration of the courts which she has the responsibility for and which is the past and is not directly related and does not prejudice this government's court action, were the courts, were the judges given the right, the ability, the respect to impose those reductions in cost as they best saw fit to ensure that the level of service to the people whom the courts serve in this province had the least effect?

That was given to the hospitals. That was given to the hospital administrators. Was it given to the judges and to the courts in this province?

Mrs. Vodrey: Perhaps the member would like to jeopardize a case which will be before the courts. Perhaps the member, again, would like to jeopardize a case.

Mr. Speaker, on behalf of this government, I am not prepared to put that case into jeopardy, and I would ask that members opposite hold the same respect for due process through a court of law.

Mr. Edwards: The Minister of Justice does not understand the principle that she is speaking of, Mr. Speaker, and she is using it to avoid very legitimate questions in this House today.

Now, Mr. Speaker, my final question for the minister: There was an agreement between this government in principle and the judges to sign off with respect to pay and benefits. I do not seek here today to discuss the details of that agreement, but I would like the minister to answer for all members of this House whether or not she or a member of the government specifically indicated that they would not sign that off if, in fact, the judges were going to bring this court case on the issue of judicial independence.

Did she put that condition and did she put essentially that threat, Mr. Speaker, to the judges, that they would not go ahead with that pay agreement until and unless the judges specifically indicated they would not bring any further court action? Did she do that?

Mrs. Vodrey: It is the member who fails to understand the judicial process. It is the member who consistently fails to understand the judicial process. It is that member, that side of the House which constantly wants to jeopardize the system on behalf of Manitobans.

Mr. Speaker, I will not see the justice system fail. They would see the justice system fail. I will not see the justice system fail on behalf of this government.

* (1345)

Highway Construction/Maintenance Northern Manitoba

Mr. Steve Ashton (Thompson): Mr. Speaker, not a day goes by when we, as northern MLAs, do not receive complaints about the condition of northern roads, whether they be into Nelson House, Split Lake, Cross Lake, Norway House. Now information obtained from the Department of Highways shows why.

I would like to ask the Premier (Mr. Filmon) if he can justify why the spending on construction in northern Manitoba has plummeted to 6.5 percent since this government came into office, compared to the 16.3 percent it was under the NDP government. In terms of actual numbers, it is now \$5.7 million compared to \$14.7 million under the NDP.

Hon. Glen Findlay (Minister of Highways and Transportation): Mr. Speaker, the member fails to realize that when he left power they were spending about \$85 million a year on capital, on highways in the province. It has now been over a hundred most of the time we have been here—last year, \$110 million; this year, \$109 million—a significant increase, while at the same time Saskatchewan over the same time period has gone from about \$120 million a year down to \$62 million.

We have consistently spent around \$6 million a year in Highway capital in northern Manitoba, a significant investment in roads in northern Manitoba, as we have done a significant investment in roads throughout Manitoba where all Manitobans drive.

Mr. Ashton: Well, the minister makes my point, Mr. Speaker. Out of \$109 million, \$5.7 million is going to northern Manitoba. That is not acceptable.

I would like to ask the Premier (Mr. Filmon): When is he going to govern on behalf of all Manitobans, including northern Manitobans, and give us decent roads?

Mr. Findlay: Mr. Speaker, I will acknowledge—and I am sure every other Minister of Highways across the country would make the same statement—for every dollar we can spend, there are about six that are wanted to be spent. There is a limit to what we can source from the taxpayer. We make decisions continually throughout the year on a wide variety of criteria of where we must most urgently spend our money for the good of all Manitobans.

Mr. Ashton: Well, Mr. Speaker, let us talk about criteria, and I want to ask the Premier (Mr. Filmon): We have money for an underpass on Kenaston—by the way, more than is being spent in

northern Manitoba in the entire four years under this government in construction. We have money for the Winnipeg Jets. When are we going to see some fairness from this First Minister who has to accept responsibility for ignoring northern roads?

Mr. Findlay: Mr. Speaker, that member does not understand what the word “fairness” to Manitobans means. They increased taxes, increased taxes, increased taxes and Manitobans do not want that anymore. They want a responsible government that uses the resources available to it in the most responsible manner, and this government has done it for seven budgets in a row.

Farm Support Programs Government Position

Ms. Rosann Wowchuk (Swan River): Mr. Speaker, as our Leader has indicated, there are very important meetings taking place in Winnipeg this week, meetings that will discuss the future of farmers across Canada. Unfortunately, this government has not put forward their position as to how they propose to deal with the new whole income programs.

I want to ask the Acting Minister of Agriculture: As we look forward to these programs, is this government prepared to take a position that will see programs capped so that we would be targeting more family farms instead of what we have with NISA right now where the majority of the money is going to a small number of farmers and the basic family farm is not being able to take as much advantage of the program as the large corporate and huge farms are? Will they consider capping the amount of money—

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

Hon. Glen Findlay (Acting Minister of Agriculture): Mr. Speaker, the Minister of Agriculture (Mr. Enns) is co-chairing a very important meeting, as there have been many important meetings over the last few years in terms of safety nets for the farm community. Manitoba stands tall in terms of what it has done in terms of safety-net support for Manitoba farmers.

Compared to Saskatchewan—I will compare that any time.

Mr. Speaker, the member clearly misses the issue. What is going on is the federal government is finding various ways and means to offload support to the farm community on the provinces, in fact, pull it away from the farm community of western Canada. Why does she not ask that question? That is the serious question. The Liberal government in Ottawa does not pay any attention to the problems of western Canada.

* (1350)

Ms. Wowchuk: Mr. Speaker, we all agree that there should not be federal cuts to the Agriculture budget. What the federal government is doing is disgraceful.

I want to ask the Acting Minister of Agriculture if they will consider looking at ways to target the family farm rather than having the largest portion of money going to large farms. If this government believes in the rural community and sustainable development in the rural community, we have to have people there and the money has to be distributed. That is all we are asking for. Will they cap the amount of money—

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

Mr. Findlay: I should not answer for the Minister of Agriculture (Mr. Enns), but as I recall, the figure is that 98 percent of the farms in Manitoba are family farms. We have targeted our support to the family farms of Manitoba.

Ms. Wowchuk: I want to ask the minister if he will admit the fact that in most cases there are farmers that only get \$2,800 from this program, but there are specific farmers that get well over a hundred thousand dollars. This is not fair. We have to look at ways of targeting the family farm on need, but more specifically—

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

Mr. Findlay: Mr. Speaker, I would ask the member to read the process by which the programs work. They are targeted to need, whereas in the past it paid to everybody regardless of need.

Today's programs are targeted to need. I would recommend that she read the guidelines and understand them so she does not misinform the farmers of Manitoba, who, by the way, proudly support what Manitoba has done over the last number of years.

Point of Order

Ms. Wowchuk: On a point of order, Mr. Speaker, I would like the acting minister to correct the record because NISA is not targeted on need. It is—

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

Homeowner Protection Legislation

Ms. Marianne Cerilli (Radisson): Mr. Speaker, I find it truly amazing that this government, when it wants to bring in regressive legislation that is going to take the province backwards, they can do it very quickly, but when they have an opportunity to bring in legislation that is going to protect homeowners from predatory tactics of banks, they take their time.

I want to ask the Premier why the government can bring in Bill 22 to break collective agreements and bring in Bill 38 to destroy wildlife areas without consultation, but when they have the chance to bring in a bill that is going to protect property owners in this province, it is going to take them two years.

Hon. Gary Filmon (Premier): Mr. Speaker, I will take that question as notice.

Points of Order

Ms. Cerilli: On a point of order, can you ask the Premier to listen to the questions in Question Period and answer—

Mr. Speaker: Order, please. The honourable member does not have a point of order. There is no point of order.

* * *

Mr. Speaker: The honourable First Minister is up on a new point of order.

Mr. Filmon: I took the question as notice. That is very legitimate under parliamentary democracy, and if the member had been here awhile and understood the rules, she would know that, Mr. Speaker.

Ms. Cerilli: Can the Premier tell the House why other provinces in Canada have legislation that is going to protect homeowners when they sell their property under an assumed mortgage and why we do not have that kind of protection in Manitoba?

Mr. Filmon: I will take that question as notice.

Ms. Cerilli: There was a paper that was prepared for Manitoba's Securities Commission that I hope that the Premier will take the time to read since he has taken this matter as notice.

I would like to have him tell the House when the recommendation at the end of the paper was first made to the government to amend legislation in Manitoba that is going to ensure that homeowners are protected in this province.

When was that recommendation first made to this government—

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

Mr. Filmon: Mr. Speaker, I will take that question as notice as well.

Manitoba Hazardous Waste Corp. Environmental Licensing Violations

Ms. Norma McCormick (Osborne): Mr. Speaker, my question is for the Minister of Environment.

During a recent inspection of the Manitoba Hazardous Waste Management facility in St. James, Department of Environment inspectors identified a number of deficiencies and operational problems which contravene the environment regulations and which indicate that some activities are being carried on outside the corporation's licence.

My question to the minister: Can the minister advise us what steps are being taken to remedy this situation and to prevent future licensing and regulatory violations?

Hon. Glen Cummings (Minister of Environment): I am not sure to which matters the member is referring, but if I can assume that it is in response to an inspection that the Department of Environment made about a month ago, that demonstrates precisely what we are doing to make sure that corporation and any other operating in the province is subject to inspection and enforcement and make sure they live by the rules.

Ms. McCormick: Can the minister assure us that the list of violations and deficiencies has been provided to the community representatives as is required by the co-management agreement?

Mr. Cummings: I am not sure if I can confirm or deny that, but I will make sure that it does happen.

Status Report

Ms. Norma McCormick (Osborne): My final supplementary: The June 30 deadline has passed. Can the minister provide us with a status update on the sale of the assets of the corporation to IEI and whether the buyer has managed to raise the funds necessary to complete the transaction?

Hon. Glen Cummings (Minister of Environment): We are waiting for some adjustment to the letters of credit to make sure that they are fully compatible with the conditions which we have imposed on the deal. Everyone within the corporation and within the proposed partnership gives us full assurance that they will meet those conditions, and then we will close the sale.

McKenzie Seeds Privatization

Mr. Leonard Evans (Brandon East): Mr. Speaker, I have a question for the Minister of Culture and Heritage.

In early April, when the announcement was made that McKenzie Seeds was exploring options to privatize the company, the statement was made that there would be a decision made within six to eight weeks one way or the other. Well, it is now three months since the initial announcement and no statements have been forthcoming.

My question to the minister is: Will the minister now confirm that the government will not proceed with the privatization of McKenzie Seeds?

Hon. Harold Gilleshammer (Minister responsible for A.E. McKenzie Co. Ltd.): No, Mr. Speaker.

Mr. Leonard Evans: Mr. Speaker, I would then ask the minister if he can advise the House when the government will make a decision in this matter, because it is not in the public interest to leave this matter in a state of indecision.

Mr. Gilleshammer: Mr. Speaker, the member reminds me of the editorial in the Brandon Sun, which advised that member not to get hysterical about these things.

Some discussions are ongoing. When there is something to announce, it will be done in due course.

Mr. Leonard Evans: If I was hysterical, Mr. Speaker, there were 8,000 people in Brandon who were hysterical as well about the decision made by this government to privatize.

My final question is: Will the minister respond? Will the minister give this House and myself as a member of this House the courtesy of responding to the written questions I placed on the Order Paper over two months ago respecting McKenzie Seeds? Will he give the House the courtesy and myself the courtesy of an answer to those questions, or is he going to ignore it?

Mr. Gilleshammer: Mr. Speaker, I would remind the member that we spent a number of hours in committee discussing McKenzie Seeds. The member indicated that he had some more questions that we would be dealing with at a subsequent meeting, and I look forward to that.

* (1400)

Pritchard Place Drop-In Centre Funding

Mr. Doug Martindale (Burrows): Mr. Speaker, in Winnipeg's north end there is a drop-in centre called Pritchard Place Drop-In Centre. They are doing an excellent job of keeping children off the streets and out of trouble, providing a positive alternative in terms of recreation.

I would like to ask the Minister of Family Services if she can confirm that Winnipeg Child and Family Services have indicated that their grant of \$39,000 may not be renewed after August of this year.

Hon. Bonnie Mitchelson (Minister of Family Services): Mr. Speaker, we on this side of the House certainly do encourage very actively and promote recreation as an option to reduce crime, and it also keeps our children very active and involved, especially during the summer months.

Mr. Speaker, I do want to indicate that I will have to take the details of that question as notice and report back to my honourable friend.

Mr. Martindale: Will the Minister of Family Services endeavour to ensure that funding is kept in place either from Winnipeg Child and Family Services or from some other source, so that they can continue with the same level of staffing and the same level of service so they continue to provide this service and keep children off the street and in a positive alternative setting?

Mrs. Mitchelson: Mr. Speaker, as I indicated to my honourable friend, I cannot confirm or deny what Winnipeg Child and Family Services is doing as an external agency to government regarding their funding commitments, but I will endeavour to get the detailed information, ask the questions and report back to my honourable friend.

Hikel Report Tabling Request

Ms. Jean Friesen (Wolseley): Mr. Speaker, my question is for the Minister of Education.

This winter, I asked under Freedom of Information for a copy of the Hikel report, which examined the merits of the ACCESS programs at Manitoba's universities. That request was refused, Mr. Speaker, but the minister has repeatedly said in Estimates and in the House that he will be tabling that report and he said, in June.

It is now five months after my initial request for that report. Will the minister tell the House today when he is going to table the Hikel report?

Hon. Clayton Manness (Minister of Education and Training): Mr. Speaker, to correct the

revisionist history as put forward by the member for Wolseley, I said I would make every effort to table same in the month of June.

Mr. Speaker, translation is a problem, yes, No. 1. Number 2, Mr. Hikel is out of town until, I understand, July 8 or 10, and at that time, the report will be completed. So at this point, I cannot table the report.

Ms. Friesen: Mr. Speaker, I am surprised by the minister's response.

Could he tell me whether he will be tabling that report upon its completion on July 10, or is he, in fact, giving himself another out here for yet a further delay of three or four months? Will it be July 10? When will it be?

Mr. Manness: Mr. Speaker, as I said, I would make every effort to table it as soon as possible. I am hoping that will be July. I was once hoping and expecting that it might be the end of June. That was impossible.

ACCESS Programs

Ms. Jean Friesen (Wolseley): Mr. Speaker, will the minister confirm that that report upon which he has based his policies of cutting ACCESS programs, that that report is based upon only focus groups and that there has never been any systematic contact and analysis of the effects of his policy upon ACCESS students? Will he confirm that?

Hon. Clayton Manness (Minister of Education and Training): Mr. Speaker, I will not confirm that because the member is dead wrong.

There were many discussions with individuals, with institutions. There was a wide cross section of referencing done that led to the final recommendations within the report.

Omands Creek Protection from Development

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

In my memory, there have been four times that developers have sought to either develop over or right up to the riverbank of Omands Creek, which

is in the west end of Winnipeg, most recently back in 1989 when the owners of Rae & Jerry's were going to put up an office tower and car wash. There is another application that has been filed in the city of Winnipeg to build a parking lot, an extension, right out over the river.

Mr. Speaker, my question for the Minister of Urban Affairs: Given that the province has a significant investment in this park through the purchase of Bluestem Park, which happened some years ago, is the minister aware of this application?

Has the minister had discussions with Mayor Thompson or other city councillors about how to preserve again and protect the environmental integrity of that very important river in the west end of Winnipeg?

Hon. Linda McIntosh (Minister of Urban Affairs): No, the mayor has not brought this particular issue to my attention regarding the parking lot. We have, however, as you know, passed legislation that requires the City of Winnipeg to pass a by-law concerning construction over waterways. We are waiting for them to do that, and we have discussed, the mayor and I, the time line and the delay in getting that by-law to pass. So we are looking for them to proceed as requested, with the formation of that by-law and looking for wording to come forward in the near future.

Mr. Edwards: This application is set to go before the standing committee this Friday, I am led to believe.

My question for the minister: Will she speak to those at City Hall to ensure that the province and her office are well briefed on this application?—because the province must take a role in protecting this park. We have been joint purchasers and joint developers of this park. It is now time to stand up and make sure that it is not compromised by another parking lot.

Mrs. McIntosh: The mayor and I will be discussing this and many other issues in the days to come. We are in communication on topics of this nature.

The application going forward to City Hall, of course—it is not coming forward to the province,

but rather going forward to City Hall. I expect that we will be discussing this issue, the mayor and I, for a number of reasons, primarily to discuss the passing of the by-law that is required for the city to do.

Mr. Edwards: My final question for the minister: When the minister meets with the mayor and does discuss this, would she be prepared to discuss ways of solving this once and for all and simply sitting down with the owners of that small piece of property, which is the only privately held piece of property between the two parks, the city park and the provincial park, and bringing that piece of property into public ownership?

There must be a way to do that. There have been years and years of negotiations. Will the minister discuss with the mayor ways of once and for all solving that, Mr. Speaker?

Mrs. McIntosh: The mayor and I, and other councillors as well, have discussed this issue at length in terms of other methods of trying to resolve it, including the discussion of the possibility of a land swap and that type of solution. Those discussions are still ongoing. They have not been resolved at this point.

Manitoba Mineral Resources Trout Lake Divestiture

Mr. Jerry Storie (Flin Flon): My question is to the Premier (Mr. Filmon).

Last year, the government of Manitoba decided to raid Manitoba Mineral Resources of some \$16 million for their own purposes. On Thursday, the government announced that it was selling its share of Trout Lake to HBM&S. As the MLA for Flin Flon, obviously I have mixed feelings. I think that particular sale may help HBM&S in the short term and it may help the steelworkers, the people who work at HBM&S, in the short term.

My question, however, is to the Premier. Will the Premier be giving the people of northern Manitoba and the people who are involved in mining across the province the assurance that the \$25 million in sale will remain an asset with Manitoba Mineral Resources so that it will be available for MMR to continue to work with

mining companies in the province of Manitoba and mining communities in Manitoba for the improvement and the benefit of those communities in the future?

Hon. Donald Orchard (Minister of Energy and Mines): Mr. Speaker, I am very pleased my honourable friend is content with the sale of the Trout Lake asset to Hudson Bay and their acquisition of Granges' shares of the Trout Lake mine, because in his community that means an \$80-million to \$100-million investment in the Trout Lake mine, 50 additional jobs over the next two and a half years in the construction, the deepening of the shaft there, and continued employment at the Trout Lake mine for approximately 10 to 11 years.

My honourable friend obviously has not been aware of the tremendous success that the Mineral Exploration Incentive Program and the Prospectors Assistance Program have meant to exploration activities in northern Manitoba and in his own constituency. Those programs, worth \$10 million, are providing ever increasing levels of exploration activity with ever increasing ability to employ more and more people in the mining industry of northern Manitoba.

Mr. Storie: Well, Mr. Speaker, even sending the Minister of Energy and Mines to purgatory and not asking questions has not improved his ability to answer questions. He still cannot get to the point.

The question was: What is going to happen to the \$25 million? Is it going to go to the Minister of Finance (Mr. Stefanson) to make the government of the day look good for a moment and abandon mining in the province of Manitoba, or it is going to be used in MMR to continue to support the properties MMR continues to hold, including Farley Lake and other properties they may want to acquire, may want to explore in the coming months?

Mr. Orchard: Mr. Speaker, I wonder if it would be imprudent to observe that asking many questions does not improve my honourable friend's ability.

The reality of the matter is that the capital we recovered in the sale of Trout Lake and the

exploration properties that were currently part of the MMR portfolio will be utilized to reduce the losses that have occurred over the MMR time and existence because there have been advances of almost \$26 million. The interest on those advances will equate to almost \$55 million, and the \$25 million achieved through the sale of Trout Lake will not recover our costs since 1971 but will contribute significantly to that.

* (1410)

**Flin Flon/Creighton Crisis Centre
Fee-For-Service Request**

Mr. Jerry Storie (Flin Flon): Mr. Speaker, my final question is on a different subject, to the Minister responsible for Family Services. [interjection] Whether it is a final, final question or not will be determined by the length of this session. It may be the final answer of this particular government as well. We will know that later on today as well.

My question is: Will the Minister of Family Services, when she receives a request from the Flin Flon Crisis Centre, which is reopening its doors notwithstanding the 100 percent cut they received in funding from this government, will they be honouring the fee-for-service request from the crisis centre to continue to provide service to abused women and families in crisis in the community of Flin Flon?

Hon. Bonnie Mitchelson (Minister of Family Services): Mr. Speaker, I thank my honourable friend for that question, because it does allow me to put on the record the good work that has been done in the North and the co-operation between Flin Flon and The Pas and the whole region to ensure that women who do need support through crisis intervention do receive that support.

I also do want to commend Flin Flon and the community, the people in the community who have banded together around reopening of the crisis centre and providing support to the women in that community. I also want to thank The Pas and Flin Flon together for working out a mutual agreement.

Mr. Speaker, we will continue to work with The Pas and with Flin Flon to ensure every woman who does need support through crisis intervention will receive that support.

Mr. Speaker: Time for Oral Questions has expired.

ORDERS OF THE DAY

Hon. Jim Ernst (Government House Leader): Mr. Speaker, I wonder if there is leave of the House to introduce the report of the Committee on Law Amendments of this morning to report on Bills 22, 24, 27 and 31.

Mr. Speaker: Is there leave for those bills to report?

Some Honourable Members: Leave.

Mr. Speaker: Leave. It is agreed to.

**PRESENTING REPORTS BY
STANDING AND SPECIAL COMMITTEES**

**Standing Committee on Law Amendments
Third Report**

Mr. Jack Penner (Chairperson of the Standing Committee on Law Amendments): Mr. Speaker, I beg to present the Third Report of the Committee on Law Amendments.

Mr. Speaker: Dispense.

Your Standing Committee on Law Amendments presents the following as its Third Report.

Your committee met on Monday, July 4, 1994, at 10 a.m. in Room 255 of the Legislative Building to consider bills referred.

Your committee has considered:

Bill 22, The Statute Law Amendment Act, 1994; Loi de 1994 modifiant diverses dispositions législatives

Bill 24, The Waste Reduction and Prevention Amendment Act; Loi modifiant la Loi sur la réduction du volume et de la production des déchets

Bill 27, The Highway Traffic Amendment Act; Loi modifiant le Code de la route

Bill 31, The Manitoba Employee Ownership Fund Corporation Amendment and Income Tax

Amendment Act; Loi modifiant la Loi constituant en corporation le Fonds de participation des travailleurs du Manitoba et la Loi de l'impôt sur le revenu

and has agreed to report the same without amendment.

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

Motion agreed to.

House Business

Hon. Jim Ernst (Government House Leader): I wonder, Mr. Speaker, if there is leave to waive private members' hour today.

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

Government Motion

Res. 4.1—Administration and Finance Department of Justice

Mr. Ernst: Mr. Speaker, I wonder if you might seek leave of the House to consider the government motion listed on page 15 of the Order Paper dealing with Resolution 4.1, Administration and Finance, in the Estimates of the Department of Justice.

Mr. Speaker: Is there leave to allow the honourable government House leader to introduce Resolution 4.1 which is on the Notice Paper? The notice has been filed today. [agreed]

Hon. Rosemary Vodrey (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the Minister of Consumer and Corporate Affairs (Mr. Ernst),

THAT WHEREAS on June 29, 1994, the Committee of Supply defeated Resolution 4.1, Administration and Finance, in the Estimates of the Department of Justice;

THAT the said resolution be reinstated in the original amount of \$4,145,100.00 in the Main Appropriations, 1994.

Mr. Speaker: It has been moved by the honourable Attorney General, on behalf of the honourable government House leader, seconded

by the honourable Minister of Consumer and Corporate Affairs,

THAT WHEREAS on June 29, 1994, the Committee of Supply defeated Resolution 4.1, Administration and Finance, in the Estimates of the Department of Justice;

THAT the said resolution be reinstated in the original amount of \$4,145,100.00 in the Main Appropriations, 1994.

Mrs. Vodrey: Mr. Speaker, I am very pleased to have the opportunity to speak to this resolution which reverses a deed done in this House which affected 68 civil servants in this government. I am very pleased to take the opportunity to examine also the record of this government and say that where the members opposite want to make complaints, they have that opportunity in Question Period and in debate. I am more than happy to engage in debate today around this resolution which provides for the reinstatement of the budget line which, as I said, affects 68 individuals.

Let me start by putting on the record what I consider to be the record of this government and by putting forward the record of this government and the very hard work of a number of those civil servants, Mr. Speaker. I believe that the members will understand where the difficulty on their side lies and, I am sure, will agree that in fact these individuals certainly do deserve to have their money reinstated, and their positions.

Let me start out with the issues that we have heard raised in this House a number of times. First of all, we have heard the issues raised around the functioning of the court, particularly the Domestic Violence Court. I would just like to take some time to remind the members opposite that it was this government who took the issue of domestic abuse and abuse within families so seriously that we set up the Domestic Violence Court. In setting up the Domestic Violence Court, we were able to develop a court which would deal with abusive situations within spousal relationships or partner relationships. It would also deal with abuse between parents and children, and it would also deal with abuse of the elderly within families.

This government, Mr. Speaker, has worked very hard to make sure that the functioning of the Domestic Violence Court is operating in the most efficient way and continues to improve. The court implementation team, which was set up when the Domestic Violence Court began, continues to examine ways to make sure this court functions in its most efficient way. I can say that they are examining it from all parts of the system, that they are making sure that they are looking at not only within Courts but also Prosecutions and Corrections, and we are looking at all ways to make sure that we are making a statement to Manitobans that domestic violence is unacceptable and that we will be dealing with it in a very thorough way through our Domestic Violence Court.

I would also like to take a few moments to speak about maintenance enforcement, because this government has recognized that maintenance enforcement issues are of great importance in this province, particularly to the people and the children who depend upon the enforcement. That is why this government's record, particularly over the past two years, speaks to our commitment. I am happy to tell the House again that we have increased the staff in the Maintenance Enforcement area by five in the past two years; that is three who were increased last year, two additional this year.

* (1420)

In addition we put forward approximately \$50,000 or more towards computer enhancements, Mr. Speaker. That allows for the recall of information and the access to information to be much quicker than hand searches which were previously done, and also the money that we have put forward for the automated voice enhancement. That is particularly significant because the majority of our calls are calls in which people are asking to be updated on the status of their accounts. When we move to a voice-automated system we will be able to allow access to status of accounts seven days a week, 24 hours a day. That means that people who are interested in finding out where they stand, what their balance is, what is the amount owing and so on, will be able to do so at

their convenience. Should they actually have time at ten o'clock in the evening or seven o'clock in the morning, they will be able to access it in a more timely way for themselves.

So I am very pleased that we are moving towards continued improvements. I stress that, because though I believe that we have made great improvements from the time that we have become government, we also recognize that the system is not perfect and we will be continuing to work towards making it a better system.

We are also very active participants in the Family Law area, which is examining issues of the amount of child custody which at the moment there is considerable concern about what should the amounts be. So that is being examined in a national committee. I am very proud of Manitoba's lead position that we are taking in terms of making sure that we are valuable contributors in this whole area of child support.

Mr. Speaker, I also said that we would be taking measures to improve the Maintenance Enforcement. That has been somewhat misunderstood by the other side. They assume the only measure to be taken are legislative measures. I have made it clear during the process of Estimates, in questions and answers, that those measures are also very concrete measures in the area of staffing, in the area of computer upgrading, in the area of automated voice enhancement, in the area of our participation on the national committees. We are also meeting with Manitobans to find out what Manitobans see as their needs in the area of maintenance enforcement, so that, when we do come to make revisions in the act, we will be able to make revisions that are reflective of what Manitobans are saying and what their concerns are.

Mr. Speaker, I am very happy to bring the members up to date again on what the progress has been in the area of maintenance enforcement.

In the area of issues that deal with aboriginal justice, I would like to inform the House again of the initiatives that the Department of Justice has undertaken. Let us start with the policing end, because it was this government that has

undertaken, with the federal government, to enter into First Nations policing policy. First Nations policing policy is a tripartite agreement. It involves consultation within communities, and it allows communities, encourages communities to decide what type of policing they would like to have, and then allows the three parties to work toward that type of policing.

We have at the moment an interim agreement with the DOTC communities, but during the course of Estimates I made it clear that we are exploring with other communities across the province what a First Nations policing policy in their community would look like. I met with the Solicitor General in Ottawa on behalf of our government and indicated our willingness to proceed in the First Nations policing policy and receive from him his assurances that he, too, was committed to the First Nations policing policy and the funding arrangement that the First Nations policing policy involves.

Mr. Speaker, that meeting took place, I believe, on a Thursday. By the Sunday evening we had Department of Justice staff on the road to aboriginal communities so that meetings could begin to take place on the Monday morning.

We worked very quickly in the area of meeting with those communities, but, as I said, it also requires a consultation process to be undertaken within their communities. We looked forward to signing the First Nations policing agreement, which is now being worked out in its final details with the Dakota Ojibway Tribal Council communities and others as they are finalized.

The members also know that last year amendments were made to allow prosecutions to take place by aboriginal people within their home communities with the support of qualified Crown attorneys, but that allows for direct participation within communities. The member also knows that we have been very supportive of sentencing circles around the province and that there are sentencing circles now which are underway, sentencing circles which involve the whole community coming together, the offender and the victim. This is currently taking place. I am very happy this

government has been able to move ahead in the whole area of the administration of justice in aboriginal communities, taking specific note of how those communities would like the process to go.

In the area of aboriginal courts, Mr. Speaker, this requires the support of the federal government. This requires the federal Liberal government to agree to its participation in moving toward aboriginal courts. I asked the federal Minister of Justice in my previous meetings with him where he stood on that, where he stood in terms of moving toward aboriginal court and what kind of agreements he was prepared to enter into. I have not yet had an answer, so we will see, the test will be: Is the federal Liberal government prepared to move into the aboriginal courts process? As of yet, we have not had any commitment.

I would like to take a few moments now to speak about this government's initiatives in the area of youth crime and violence. Mr. Speaker, this is a concern across Manitoba. Issues of public safety are a concern to all Manitobans. It is because the issues of public safety and confidence within the justice system were such a concern that this government called together the first-ever summit on youth crime and violence.

The summit took place in December. It involved 500 Manitobans, over 500 Manitobans from all parts of Manitoba. It was a representative group. It included parents, teachers, community workers, police officers, and also young people. We are very happy at the participation of young people. There were over 100 young people who took part in that summit. If we were to do another it would be great to have even greater participation, because the participation of young people was very important as we arrived at conclusions.

Flowing from the summit was a list of 700 recommendations that were applicable to families in the smallest group, to communities, to schools, to government, to the Department of Justice. So we, for our part in government, have looked very closely at what we can begin to implement, and we drew from the recommendations of Manitobans a nine-point plan.

This government, Mr. Speaker, has put forward a nine-point plan to deal with youth crime and violence, and we said from the beginning, the nine-point plan is only a start. It is not the only things and the only initiatives that this government can do, and in fact, we have already passed the nine-point plan in terms of our initiatives. But in terms of the nine-point plan it represented a start. It represented a start that dealt with youth crime and violence both from the prevention end, also from the intervention and also from the consequences end.

Manitobans were interested in that. They wanted a comprehensive plan and a comprehensive view, a way to deal with youth crime and violence that dealt with all three areas. Underlying our plans to work in the area of youth crime and violence lies legislation. The legislation that deals with youth crime and violence is the Young Offenders Act.

Mr. Speaker, the Young Offenders Act is an act which falls under the jurisdiction of the Government of Canada, and we have made representation, our government has made representation to the Government of Canada, to the federal Minister of Justice to strengthen the Young Offenders Act. We put forward our position very forcefully. We were very pleased to see that the federal Minister of Justice has said that he will contemplate making some changes. Some of those changes are changes which we, in Manitoba, put forward very specifically. However, that remains to be seen. We have taken a very strong position, but it will depend upon the political will of the federal Liberal government to decide if they will bring forward those changes in reality to the Young Offenders Act.

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

* (1430)

Madam Deputy Speaker, I am very interested in the area of the Young Offenders Act because I have received large numbers of petitions that asked for changes in the Young Offenders Act. I have received over 8,000 names, and I have not had one member of the parties opposite come forward in support. Manitobans have made themselves clear,

but no support has flowed from the members opposite. I have had no phone calls from the federal members of Parliament who are representatives of the federal Liberal Party. I have had no phone calls from them that indicate that they will stand with Manitobans in the area of the Young Offenders Act, no calls at all.

So, Madam Deputy Speaker, I think we know where the federal Liberal Party and where the Liberal Party, in general, stands in the area of the Young Offenders Act, but we continue to hope that we will be able to convince them, most of all that Manitobans will convince them of the position that Manitobans expect them to take and that following that they will attempt to convince their party cousins in Ottawa that this act should be amended. So we look for their support.

Also in the area of prevention, this government has said that it will be expanding the youth justice committees. I have now signed at least seven more youth justice committees into existence since the nine-point plan was announced.

We also announced last week, Madam Deputy Speaker, the formation of the youth gang contact line, which is a program which again deals with the community. It is a prevention program. It will allow for those young people who do not want to be involved in youth crime to be able to speak to people who are experienced in dealing with youth gangs so that they can find a way to withdraw themselves. It will also allow parents who are concerned about their young child's activities and want to have clarification or give meaning to the activities that they can phone the youth gang contact line and, again, speak to the experts and get the information that they need to assist their young person.

Madam Deputy Speaker, in addition to the nine-point plan, we have gone further. We have brought forward into this House changes to The Highway Traffic Act which deal with public safety. The changes to The Highway Traffic Act deal with public safety to say that where we have the power to grant licences, that where people are convicted of certain Criminal Code offences including auto theft and auto vandalism that we

will deny them a driver's licence in the interest of public safety, because we want to have the most responsible drivers available to be on our highways and on our roads and our city streets. So we look forward to the support of members opposite in making sure that the amendments to The Highway Traffic Act pass, that in fact they become law in the interests of public safety for Manitobans.

We also announced a gun amnesty. Gun amnesty allows for people to turn in firearms that they no longer want or firearms which are perhaps now illegal, and they can turn them in without penalty during the specified period of time for the gun amnesty. This will allow for certain firearms now to come out of circulation. Where people do not want to have the firearms we are aware that they may not want to go to the expense of storage of those firearms, that they may not want to go to the expense of managing the firearms in the most appropriate way, and through the gun amnesty it allows them to turn in those firearms. It also allows them to turn in ammunition as well, so that we can help remove from possible circulation some of the guns, the firearms and the ammunition which would perhaps be then available illegally. So that is another one of the initiatives which we have put forward.

Madam Deputy Speaker, I would say underlining all of this is community involvement. We want to make sure that Manitobans are participants in the process, that Manitobans feel that they can make sure that they have confidence in the justice system, confidence in the people who work in the justice system. That is why this government has put forward and worked on and put into action the initiatives that are before you today that I have just recently spoken about. These initiatives have been put forward by government, by this government, and also in preparation have been assisted, certainly in terms of developing and making sure that all the details have been put into place, have also required the assistance of the Department of Justice.

That is why I am happy to put forward this resolution which reverses the effect of a vote that

was taken in this House which dealt with 68 civil servants, not just government. I believe that confidence within the Department of Justice and certainly this government is certainly well placed due to the plans that have been put forward by this government.

Thank you, Madam Deputy Speaker.

Ms. Becky Barrett (Wellington): Madam Deputy Speaker, I am rising and speaking very briefly this afternoon on the resolution that was passed by the House last week and the resolution that is before us today.

First of all, I would like the record to be set straight. The Minister of Justice was very inaccurate when she spoke about the motion. She was inaccurate in the sense that the motion that was actually before the committee had nothing to do with the \$4 million-plus in Executive Support line in the budget, in the Estimates for the Department of Justice.

The resolution that the opposition put forward dealt only with the Minister's Salary and was designed to show the fact that the people of Manitoba have lost confidence in the Minister of Justice, not in the staff surrounding the Minister of Justice. Had the Minister of Justice not filibustered the entire rest of the Estimates process, we would have, Madam Deputy Speaker, been able to have a vote on the motion that had been placed before the committee, which was to reduce the Minister's Salary, not the entire \$4.1 million of Executive Support.

So for the Minister of Justice to stand in the House today and accuse and put responsibility for that motion affecting 68 civil servants on the opposition benches is the height of hypocrisy. If she had not filibustered her own Estimates we would have had the vote on her salary and her salary alone.

Madam Deputy Speaker, I would like very briefly to speak about three areas of the minister's own responsibility, of the minister's own behaviour, and three of the many areas that we could speak on that show why we voted to reduce the Minister's Salary, which is the way in the parliamentary procedures that we can show our

displeasure with the actions of the minister in running the department.

The first is the Victims Assistance Fund. The Victims Assistance Fund was originally established by the previous government to provide, out of surcharges paid for by individuals found guilty of offences, a fund that would give money to nongovernmental agencies and organizations, to do programming for victims that was not part of the regular government's operation.

Madam Deputy Speaker, this Minister of Justice (Mrs. Vodrey) was not in her current portfolio when the changes were made last session to the Victims Assistance Fund, to in effect open it up to the government's ongoing programming, a raid.

What has happened under this minister's jurisdiction is that agencies and groups that have asked upwards of two years ago for funds under the Victims Assistance Fund program have not yet heard if they are going to get funding, and if so, how much funding, and if they are getting funding, when that funding will flow.

Up to two years these organizations have waited to put these programs in place. This government has talked throughout its mandate about the need to be efficient and effective in the role, in the operations of government. Well, one of the best ways to allow an organization to be efficient and effective in the running of its operations is to know what kind of funding they have available.

For groups to be on tenterhooks for upwards of two years before they know that they can put a program in place or cannot put a program in place is unconscionable and is only one example of what this government and this Minister of Justice have done to the justice system in this province.

Madam Deputy Speaker, in August 1991, Dorothy Pedlar produced a report that was a magnificent report on the issues and the recommendations surrounding domestic violence. It should have acted as a guide to all of the actions and legislation of this government. Unfortunately, as in many of the reports that this government has received over its six-year mandate, this report has by and large gathered dust.

* (1440)

One of the recommendations that Dorothy Pedlar recommended or discussed in her report was the fact that there were long waiting lists and not nearly enough resources for long-term programming for individuals, the vast majority of whom are men who had been convicted of domestic violence assaults, to get support for their long-term programming.

The current government has not supported long-term—and by that we mean six months to a year—programming for these abusers, since Pedlar was tabled. There has been no long-term programming for these individuals for over three years now.

The Minister of Justice said they are in the process of evaluating and trying to formulate these programs. Well, Madam Deputy Speaker, we know that for a program of treatment and rehabilitation to be effective for individuals who have been found guilty of domestic violence, you need not only short-term programming, you need not only group programming, you need not only probation, but you also need long-term counselling, individual and group. Everyone who has ever been involved in this issue knows that to be the fact. Yet under this Minister of Justice (Mrs. Vodrey) and her predecessor, nothing has been done in this regard. This is only one example of the many recommendations in the Pedlar report that have been honoured in the breach not the observance.

Finally, Madam Deputy Speaker, the minister talks about all the good things that they have done in Maintenance Enforcement and how things are getting better and better every day. None of us are Dorothy and we are not in the land of Oz. We are in Manitoba in 1994, and every single woman who has to deal with the Maintenance Enforcement branch and the Department of Justice today knows that is a total fabrication. There is no truth at all to the statement that things are getting better in Maintenance Enforcement.

Each Maintenance Enforcement officer has between 900 and 1,100 active cases, Madam Deputy Speaker. The officer who deals with

out-of-province cases has as many as 1,700 cases. It is absolutely ludicrous. It makes absolutely no sense at all to say to a man—again, largely men are the individuals who are asked by court order to pay maintenance to their ex-wives and their children. It makes absolutely no sense to these men to tell them, you are supposed to pay X amount of dollars every month or every three months and then not have the staffing there to enforce that court order.

I would be remiss if I left any impression, Madam Deputy Speaker, that we are talking about the actual people who do the maintenance enforcement work from the director on down. These are dedicated people who know what needs to be done. They just do not have the resources to do it.

The minister talks about the fact that they are meeting with Manitobans to see what they want in the area of maintenance enforcement. Again, this is ridiculous. There is no need to speak with Manitobans, to meet with Manitobans, to wait longer and longer periods of time. We know what needs to be done in maintenance enforcement. We know how to do it in maintenance enforcement. The only thing that is lacking is the will to put in place the resources, both human and financial, to actually make maintenance enforcement work.

On those three issues, Madam Deputy Speaker, three out of hundreds, the Minister of Justice (Mrs. Vodrey) must take responsibility for her lack of action, her actions that do not meet the demands and the needs of the people of Manitoba. For those three reasons, if for no others, we put forward the resolution in committee that the Minister's Salary be reduced.

Again I would like to state emphatically that our resolution did not take into account, did not say anything of a negative nature about the civil servants that were involved in the minister's Executive Support line. The Minister of Justice knows full well that is the case, and she is playing some sort of sophomoric game with the House if she thinks we do not know that and the civil servants involved do not know that as well. Thank you.

Mr. Gary Kowalski (The Maples): Madam Deputy Speaker, I rise to speak to this resolution. I also want to add my comments about the 68 civil servants. The spectre has been raised that they will lose pay or salary. To raise that spectre and use that to frighten people, I disagree with. We know that, because the minister filibustered when we had an opportunity to vote on the minister's performance, that opportunity was taken away. This is why our caucus has gone this route, because we were denied the opportunity to vote on the minister's performance.

Now, the minister's performance—this is a way of commenting on that. Overall, there are many things this Justice minister has done that are positive and I would do as a Justice minister, but it is the tone and the message, the tone of retribution, of punishment, of survival of the fittest that has been presented by this Justice minister that I disagree with.

One of the things that continually has happened in this session is that the Justice minister has been very offensive as opposed to defensive when answering questions and pointed to the opposition as for our viewpoint. We are not government, not yet, and for the minister to continue to stand—we had every possible forum that we put our views forward.

The minister went on about her record and her performance. I can honestly say that the Justice minister's performance, I have not seen any worse than any of the other ministers' and the vote of confidence or nonconfidence will be taken by the electorate in an upcoming election. That was an appropriate place to do this, but it is the prerogative of the opposition, which was exercised by the member for St. Johns (Mr. Mackintosh) by putting a motion forward to reduce the Minister's Salary. That is his prerogative. The opportunity to do that was taken away by the filibuster.

One of the things that has repeatedly come up in this session is comments in regard to judicial independence. I asked a question in Estimates in relation to the reassignment of one judge, and I was taken to task for asking the question. Yet, as I said, as a police officer of many years, I put

questions to many innocent people. If they were innocent, they need not have any guilt and they should not fear a question that was given with good intent, with a sense of duty to perform a task, a duty that had to be done. A member of this Legislature to put questions to the ministers is not only a duty but a responsibility.

When I receive a copy of a report of the Provincial Court Judges Association of Manitoba to the Canadian Association of Provincial Court Judges at St. Johns, Newfoundland, dated September 21, 1993.

When I read in that report: In the race to succeed as Canada's harshest tormentor of provincial judges, the province of Manitoba wins hands down. No matter that their gold medal has lost some of its lustre as the system of justice in Manitoba crashes down about their heads, they have reigned in on the one branch of government that does consider itself independent, and it makes them feel warm all over. The backlogs grow; morale has sunk to an all-time low. No longer do provincial judges run to the rescue as they did three years ago, when they worked long hours to reduce horrendous caseloads. The government of the day cares not a whit about our lot.

* (1450)

That report was written by Judge Ronald Meyers, the provincial representative, to that body. When I see later Judge Meyers is reassigned, to ask that question, there is nothing sinister to ask if this report had anything to do with his reassignment. I think it is a responsibility and a duty as opposition to keep an eye and monitor the government.

So, as I said, what we are voting on here, it is not the 68 civil servants who, even if the government was defeated, would continue to get paid. We are not even voting on the minister's performance. What we are voting on here is the process, that we did not have an opportunity to indicate our assessment of the minister's performance in itself because the minister filibustered during Estimates.

With those few comments, I will not reiterate on and on about the other justice initiatives that we have talked about in Estimates, we have talked about in Question Period, we talked about in

committee. Why repeat them? It is a very simple matter. This is a vote about process, and we did not have the opportunity because the minister abused the process. No, pardon me, I withdraw that. The minister took advantage of the process by filibustering in Estimates so we never had a chance to vote on that matter. That is what this vote will be about. Thank you.

Mr. Eric Robinson (Rupert's Land): Madam Deputy Speaker, I too would like to take this opportunity to put a few remarks on record with relation to the inaction of this government with respect to the Aboriginal Justice Inquiry. I think that all members of this House know that the previous government, the NDP government, in 1988, following the shooting death of J.J. Harper, enacted the Aboriginal Justice Inquiry to examine the administration of justice and aboriginal peoples in this province.

That report was subsequently tabled in 1991. We are just now about a month or two away from its third anniversary and still no action on the part of this government with respect to developing any partnerships with the aboriginal organizations to enact the major recommendations of the Aboriginal Justice Inquiry.

I have asked questions in this House of the Justice minister with respect to the Aboriginal Justice Inquiry, but the response that I received was not sufficient.

I would like to again reiterate what my honourable friend for The Maples (Mr. Kowalski) was talking about. It is not simply an opportunity for us to vote against the department or the number of civil servants that was mentioned earlier but simply the inaction of this minister in fully implementing the recommendations of the Aboriginal Justice Inquiry.

Madam Deputy Speaker, we have roughly 293 recommendations contained in the Aboriginal Justice Inquiry, in Volume 1, and out of the 293, about 101 of them relate directly with the province. It was the hope of the First Nations community and also the Metis communities of this province that this province would take a leading role in being able to do something meaningful with

respect to the administration of justice and how it affects aboriginal people in this province of Manitoba.

Of the approximately 60,000 First Nations people resident in this province and are currently residing on reserves, roughly 40 percent of them live in off-reserve environments, in places like Winnipeg, and we have also the Metis people who account for about 80,000 of our overall population. In total, the aboriginal population of Manitoba is only something like 10 percent to 11 percent, yet it is aboriginal people who constitute the most in the correctional institutions, including the federal system, where we have in the Stony Mountain Institution, at any given time, about 60 percent are our people being incarcerated there.

As well, we have places like Headingley, where we have our people overly represented, the Dauphin Correctional centre, the Portage Correctional centre, The Pas Correctional centre and even the women's correctional centre in Portage la Prairie, badly overrepresented by aboriginal people, and that is truly unfortunate.

In the meantime, aboriginal people are always talked about in a negative way, that they are a burden to the tax-paying community, but, Madam Deputy Speaker, what we fail to consider is that the people in these institutions are in fact contributing to the tax-paying community by employing jail guards, by employing probation officers, by employing parole officers, by employing other people who are involved in a correctional system and in the overall justice system.

It is unfortunate, as well, that aboriginal people are also the ones who fill up the courtrooms of this province for whatever reason. One only has to look at the major recommendations of the Aboriginal Justice Inquiry and have a look at the socioeconomic conditions of aboriginal people, and they will soon realize why our people are so grossly overrepresented in the court system and also in the jails of this province.

In 1992, the Assembly of Manitoba Chiefs, the Manitoba Metis Federation, the Indigenous Women's Collective and the Aboriginal Council

of Winnipeg jointly considered the Province of Manitoba's official response to the report of the Aboriginal Justice Inquiry of Manitoba, and as a result, the four groups that I mentioned expressed their profound disappointment with the limited vision and political will reflected in the province's response.

At the time of the release of the AJI report in August 1991, the Minister of Justice at that time stated that in the past government had done things to aboriginal people, then did things for aboriginal people, and now intends to work with aboriginal people. We feel that this government, Madam Deputy Speaker, and their current position on aboriginal reform would seem to indicate that it intends to continue to do things to aboriginal people.

Unfortunately, as we await the third anniversary of the release of the report, still nothing concrete has been talked about and not even a mention of the Aboriginal Justice Inquiry in Manitoba. Yes, I have heard about some aboriginal justice initiatives in Hollow Water, St. Theresa Point, Lizard Point or otherwise known as Waywayseecappo, the Northern Fly-In Sports Camps, which were highly praised by the Aboriginal Justice Inquiry commissioners, but in the meantime there are a lot of things that have to be done.

There were four things that the aboriginal organizations in Manitoba were concerned about when the inaction of this government became apparent. There was the lack of consultation with aboriginal organizations in reaching a policy position on the AJI recommendations, and a proposed process for further study of the issues, which further pushes aboriginal people to the margins of priority setting and decision making, was not a consideration. Also, this government that has accepted the recognition of the inherent right to self-government simultaneously refuses to recognize one of the most vital components of inherent jurisdiction, and that is the right of jurisdiction over justice. According to aboriginal people, those two are indivisible; also, the failure to recognize that justice for aboriginal people must

be founded on principles and practical measures that will redress present social and economic inequalities faced by aboriginal people.

The leadership of Manitoba has always said and continues to maintain that they are prepared to be responsible, flexible and determined in seeking justice for aboriginal people. Accordingly, they would like to work with a government that is committed toward this goal, provided that the following principles form the basis of that relationship, Madam Deputy Speaker. First of all, full and equal participation in defining objectives and decision making in the process to develop policy in the area of aboriginal justice. The province must abandon its unilateral position and ensure the means for full, equal participation. As well, the recognition of the inherent right to self-government and aboriginal jurisdiction over justice and establishment of an open process of dialogue on substantive matters between the government and aboriginal government representatives, and this must include full disclosure of the government's position on all AJI recommendations and a rationale for these positions.

* (1500)

Therefore, it was in 1992 that the aboriginal organizations challenged this current government to reconsider its position on aboriginal justice issues and encourage them to recognize their responsibility to join aboriginal organizations in a partnership to begin the process of bringing about significant and fundamental reform in a relationship between our peoples.

At the same time, the area of policing was very much one of the major recommendations of the Aboriginal Justice Inquiry, and the Dakota Ojibway Tribal Council was the police force that was kind of highlighted and used as a model to recommend the policing of aboriginal people over their own people in the report.

Discussions are currently happening with this government and the federal government, Madam Deputy Speaker, with respect to a policing agreement, a First Nations policing policy between

the Government of Canada, the provinces and the First Nations in question.

Unfortunately, this government and Newfoundland are the only two governments in Canada that have not moved on this policing initiative over First Nations communities. We feel that is not appropriate, and we have asked questions on the Dakota Ojibway Tribal Council policing initiatives.

The responses that we have received in this House have been, to say the least, inappropriate and not accurate and also not reflective of the true situation that does exist in the DOTC communities. In fact, for the record, there was a period of time this past winter that many in these communities, and many of the elders that live in the eight Dakota Ojibway Tribal Council communities, were afraid to go outside because of the lack of law and order in their communities because of the absence of the DOTC police force. There were times this winter as well, Madam Deputy Speaker, where the RCMP did not respond to calls from First Nations communities that are under the DOTC.

Now what we have last heard is that the province is currently in dialogue with the Dakota Ojibway Tribal Council police force with respect to policing. We certainly encourage that, but to date, as was recommended by the AJI, and what the federal government is committed to, a national aboriginal policing policy or a First Nations policing policy has not been adopted by this government. That is truly unfortunate.

The Aboriginal Justice Inquiry report, it is becoming apparent that it was—and all Manitobans should be proud of this extensive report that was carried out by Justice Hamilton and Judge Murray Sinclair over the course of three years. All Manitobans should be proud that it took an exhaustive review of the situation faced by aboriginal people with relation to the justice system that often weighs against them. It is the most comprehensive report that one will find of the aboriginal situation in this country and perhaps in North America, and Manitoba should be proud of that. On the other hand, this government should be

ashamed of itself for not acting upon the recommendations of the Aboriginal Justice Inquiry.

The Aboriginal Justice initiative that talked about an aboriginal court model has not been acted upon between the Manitoba Association of Friendship Centres, the Aboriginal Council of Winnipeg, Indigenous Women's Collective, Manitoba Metis Federation and the Assembly of Manitoba Chiefs. We are eagerly awaiting the outcome of those initiatives and those discussions that began at one time.

What we are talking about here, Madam Deputy Speaker, is that aboriginal people be given the opportunity to express themselves and play a meaningful role on matters that concern their lives. I think it is unfortunate that the previous minister and this minister have not rendered that respect to First Nations people and other aboriginal people in this province, that they do in fact speak on behalf of the communities that they are elected to represent, as are all members of this House, to represent their constituencies.

It is with regret that I am unable to report to my constituents that this government has moved on any of the recommendations of the Aboriginal Justice Inquiry. In the meantime, we have heard about some initiatives, as I said in my earlier remarks, in Hollow Water, St. Theresa Point, and we commend the government for that. However, the major recommendations and how we correct the situation of aboriginal people in conflict with the justice system in this province have not been even touched upon. That to me is truly unfortunate.

I would like to take this opportunity at this time to thank members of this House for allowing me the opportunity to speak on this matter. Of course, I speak against the resolution before this House. Thank you.

Mr. Gord Mackintosh (St. Johns): Madam Deputy Speaker, I think it is a shame that the minister is not listening to the remarks of the member for Rupertsland (Mr. Robinson). I think that is a very unfortunate symbol of this government's lack of attention to aboriginal issues, in fact, the issues of Manitobans, because that is

what they are, and the point of the Aboriginal Justice Inquiry recommendations.

I think the member for Rupertsland provides an invaluable bridge between aboriginal peoples and this government, a bridge that I am afraid this government has not even begun to cross, as they have failed to reach out to aboriginal peoples, they have failed to do what was their obvious task, and that was to begin to implement the recommendations of that inquiry report.

As I said, Madam Deputy Speaker, in my remarks the other day in Supply, this motion is a result of the opposition's lack of confidence and our censure of the Minister of Justice (Mrs. Vodrey). The reason that the caucus came to the conclusion that we must vote in the way we did came because of the minister's inaction and inability on several fronts.

Aboriginal issues—that was one of them. Another one was the lack of priority given to the issues confronted by women in Manitoba, their families, children, and finally, the minister's inability to deal with rising violent youth crime, car theft and vandalism, and our frustration that this minister puts on a few bells and whistles here and there thinking that will somehow fool Manitobans into believing that the government is taking action to deal with youth crime, while at the same time, this government has created an environment which has worsened the plight of youth, which has increased the hopelessness of youth, which has taken away the little supports families and youth have enjoyed.

There is a cause and effect. You reap what you sow, Madam Deputy Speaker. This government fails to understand that. It fails to understand that when you take away recreational activities from youth, for example, at the friendship centres in Manitoba, which have had to reduce their youth workers, you have as a result an increase in youth crime. This government will do everything it can to look at the short-term bottom line, and the consequence is obvious.

The statistics for violent offences, 170 percent increase in auto theft in the last year alone, overcrowding at the Youth Centre—there are

sometimes as many as 230 youth housed in a facility designed for 150. You look at the backlogs in the court which this government cannot manage. In fact, it just gets worse all the time. It bought off judges so they cannot manage it through a secret back-room deal. It required the courts to close down during the summer months, resulting in a loss of 200 court sitting days over the course of the summer alone, in Winnipeg alone.

* (1510)

So as Manitobans face increasing youth crime, the government comes out with a bell and a whistle here and there, amendment to The Highway Traffic Act. I would be amazed if it has much, if any, deterrent effect at all. It came out with its nine-point plan, and it is to this very day exactly that, a plan. It has only put in place a phone line. You can imagine, after the summit on youth violence and crime held in December—what is that, about seven months ago—and some tremendous recommendations—over 700 of them—what does the government have to show for it? A phone line.

It turned its back on all of those recommendations that talked about increasing support for families and youth, on prevention. I remember the co-ordinator of that summit saying that it was virtually unanimous from all of the working groups that there has to be a new era of youth and family supports in this province. We have to prevent crime because dealing with it after just does not make us safer, Madam Deputy Speaker.

Now one thing I am glad to see was not implemented from the nine-point plan, the minister announced military boot camps. Of course, now she says, oh, I never said that. Well, it is right here in the document dated February 17, because at the time she announced that, she did not have a clue, I do not believe, about the U.S. experience and the fact that actually that kind of correction model further threatens the safety of Manitobans. This minister, attempting to push a few buttons and put some bells and whistles on, announced to Manitobans a policy which would further threaten our safety.

She announced increased police surveillance of gang members. Well, no thanks to this government, the City of Winnipeg police, on their own, created a youth gang unit—no thanks to this government, Madam Deputy Speaker.

She talked about a council so there can be input from young Manitobans. I do not know the whereabouts of that council. She talked about expanding the mandate of the youth justice committees. I have not seen any mandate expanded. She takes credit today for there being seven new youth justice committees in Manitoba—well, no thanks again to this government.

She talked about establishing a provincial council on youth crime. There is no provincial council on youth crime. These were plans announced on February 17. It is summer. It is July.

We have backlogs, Madam Deputy Speaker, in the youth court which as of today have now been documented reaching up to one year, worsened by the fact that the courts will be closed for up to 200 sitting days this summer. I do not know where we are going with this problem of rising violent youth crime and auto theft and vandalism, but I will tell you, Manitobans, people in my neighbourhood are fed up with it; I am fed up with it. Yet, the minister just keeps on with a bell and a whistle here and there, failing to deal with the real issue.

When will this government, as a whole, the Minister of Family Services (Mrs. Mitchelson) as well, the Minister responsible for the Manitoba Public Insurance Corporation (Mr. Cummings), the First Minister (Mr. Filmon) and others in the cabinet look at rising youth crime as a result, as a symptom flowing from this government's policies over the last six years?

Finally, I wanted to just again reiterate our concern, our regret about this minister's policies that affect particularly women. We have talked about the Maintenance Enforcement office. That office is essential to maintain families, Madam Deputy Speaker. It is hard enough, and I know this from first-hand experience, raising a family without a partner. The difficulties that can follow from death have been my experience, but that is compounded when one raises a family following

divorce and separation, and the financial abuse that can be perpetrated against women in Manitoba is intensified by this government's failure to put in place effective maintenance enforcement policies.

We have backlogs in the Domestic Violence Court that we have talked about throughout this session. My understanding is they are getting no better. We know of waits of up to 18 months to deal with child abuse cases. We know that the government is going to offload victims services onto communities in seven Manitoba towns and villages.

All of this together has led to our caucus seriously having to consider moving to reduce the Minister's Salary to \$1, and subsequently, as a result of the minister talking out this motion, our decision to, in our parliamentary way, show Manitobans that we cannot tolerate this minister's approach to the issues that I have outlined, and we must censure this minister's actions.

Thank you, Madam Deputy Speaker.

Ms. Norma McCormick (Osborne): I too want to put some comments on the record reflecting the speakers before me. My colleague for The Maples (Mr. Kowalski) has spoken about our dissatisfaction with the minister's choice of a strategy to mount a one-person filibuster and to talk out the Estimates clock in anticipation that the members would be denied the opportunity to vote. He has spoken about our dismay with the process.

I want to speak about my personal dismay on the content of what the minister said to fill up those minutes as she talked down the clock, when I heard that vicious and ill-deserved attack on the young people of Manitoba, a further evidence of the blame-the-victim mentality which is so characteristic of this government. She spoke of the rising tide of youth crime, about how the public is clamouring for a get-tough approach to youth crime and violence.

This is completely unconscionable for several reasons. First of all, statistically there is no increase in youth crime and violence. In fact, 85 percent of violent crime is committed by adult men. The victims are commonly women and children and, of course, each other. Yet, day after

day after day, we do not read in our public press an attack on adult men. We read about an attack on young people.

I am finding it extremely troubling that the government continues to blame kids for adult failures, particularly in the presence of statistical evidence that youth crime is not on the increase. It should trouble us to be part of turning public sentiment against young people. They have enough to deal with without us blaming them for our problems and for leading the attack.

As well, I would like to speak on the commitment made in the throne speech to improve the maintenance enforcement system. We were promised that there would be activities taken to ensure that money was flowing to families in a timely and expedient way. Yet, what have we seen? We have seen a commitment to a voice mail system, to further depersonalizing the contact between the mothers who so desperately need money to raise their children and the people in the public who are there to serve them.

We have had some indication that there will be some improvements to the physical facility so at least when people go there they can discuss their family situation with some degree of dignity. But still we see no significant commitment to improving the resources put toward the collection of maintenance enforcement nor the willingness to use any of the methods that have been chosen by other jurisdictions to make payers aware that this province takes its court orders seriously.

We have seen evidence in other jurisdictions of denial of drivers licences, of hunting licences, and of more expedient garnishment of earned income. There have been many other activities taken in many other jurisdictions that this province refuses to even consider. In the meantime, our costs go up and up, as do the emotional and the financial costs and the burden to the families.

We cannot any longer accept these sort of hollow approaches to improvements as meaning anything of significance, meaning anything that would make a difference to the families of Manitoba. So, as a consequence, we will stand

against the resolution and will vote against the proposal being put forward. Thank you.

Madam Deputy Speaker: Is the House ready for the question? The question before the House is the motion moved by the honourable Minister of Consumer and Corporate Affairs (Mr. Ernst):

THAT WHEREAS on June 29, 1994, the Committee of Supply defeated Resolution 4.1, Administration and Finance, in the Estimates of the Department of Justice;

THAT the said resolution be reinstated in the original amount of \$4,145,100 in the Main Appropriations, 1994.

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

An Honourable Member: On division.

Madam Deputy Speaker: On division.

The correction for the record is the motion was moved by the honourable Attorney General (Mrs. Vodrey).

* (1520)

Hon. Jim Ernst (Government House Leader): Madam Deputy Speaker, would you now call Report Stage on the bills as listed in the Order Paper.

REPORT STAGE

Bill 2—The Prescription Drugs Cost Assistance Amendment and Pharmaceutical Amendment Act

Hon. James McCrae (Minister of Health): Madam Deputy Speaker, I move, seconded by the honourable Minister of Education and Training (Mr. Manness), that Bill 2, The Prescription Drugs Cost Assistance Amendment and Pharmaceutical Amendment Act (Loi modifiant la Loi sur l'aide à l'achat de médicaments sur ordonnance et la Loi sur les pharmacies), reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 3—The Cancer Treatment and Research Foundation Amendment Act

Hon. James McCrae (Minister of Health): Madam Deputy Speaker, I move, seconded by the honourable Minister of Rural Development (Mr. Derkach), that 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), reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 4—The Energy and Consequential Amendments Act

Hon. Donald Orchard (Minister of Energy and Mines): Madam Deputy Speaker, I move, seconded by the honourable Minister of Education (Mr. Manness), that Bill 4, The Energy and Consequential Amendments Act; Loi sur l'énergie et apportant des modifications corrélatives, as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 5—The Highway Traffic Amendment and Consequential Amendments Act

Hon. Jim Ernst (Government House Leader): On behalf of the Minister of Highways (Mr. Findlay), I move, seconded by the Minister of Rural Development (Mr. Derkach), that Bill 5, The Highway Traffic Amendment and Consequential Amendments Act (Loi modifiant le Code de la route et apportant des modifications corrélatives), as amended and reported from the Standing Committee on Economic Development, be concurred in.

Motion agreed to.

Bill 7—The Crown Lands Amendment Act

Hon. Albert Driedger (Minister of Natural Resources): Madam Deputy Speaker, I move, seconded by the Minister of Labour (Mr. Praznik), that Bill 7, The Crown Lands Amendment Act (Loi modifiant la Loi sur les terres domaniales),

reported from the Standing Committee on Economic Development be concurred in.

Motion agreed to.

(Mr. Speaker in the Chair)

Bill 8—The Fisheries Amendment Act

Hon. Albert Driedger (Minister of Natural Resources): Mr. Speaker, I move, seconded by the Minister of Labour (Mr. Praznik), that Bill 8, The Fisheries Amendment Act (Loi modifiant la Loi sur la peche), reported from the Standing Committee on Economic Development be concurred in.

Motion agreed to.

Bill 9—The Convention Centre Corporation Amendment Act

Hon. James Downey (Minister of Industry, Trade and Tourism): Mr. Speaker, I move, seconded by the Minister of Health (Mr. McCrae), that Bill 9, The Convention Centre Corporation Amendment Act (Loi modifiant la Loi sur la Corporation du Centre des congrès), reported from the Standing Committee on Economic Development be concurred in.

Motion agreed to.

Bill 10—The Wildlife Amendment Act

Hon. Albert Driedger (Minister of Natural Resources): Mr. Speaker, I move, seconded by the Minister of Labour (Mr. Praznik), that Bill 10, The Wildlife Amendment Act (Loi modifiant la Loi sur la conservation de la faune), reported from the Standing Committee on Economic Development be concurred in.

Motion agreed to.

Bill 11—The Legislative Assembly Amendment Act

Hon. Jim Ernst (Government House Leader): I move, seconded by the Minister of Family Services (Mrs. Mitchelson), that Bill 11, The Legislative Assembly Amendment Act (Loi modifiant la Loi sur l'Assemblée législative), reported from the Standing Committee on Economic Development be concurred in.

Motion agreed to.

Bill 12—The Provincial Auditor's Amendment Act

Hon. Jim Ernst (Government House Leader): I move, seconded by the honourable Minister of Family Services (Mrs. Mitchelson), that Bill 12, The Provincial Auditor's Amendment Act (Loi modifiant la Loi sur le vérificateur provincial), reported from the Standing Committee on Economic Development be concurred in.

Motion agreed to.

Bill 13—The Condominium Amendment Act

Hon. Jim Ernst (Minister of Consumer and Corporate Affairs): I move, seconded by the Minister of Family Services (Mrs. Mitchelson), that Bill 13, The Condominium Amendment Act (Loi modifiant la Loi sur les condominiums), reported from the Standing Committee on Economic Development, be concurred in.

Motion agreed to.

* (1530)

Bill 14—The Real Estate Brokers Amendment Act

Hon. Jim Ernst (Minister of Consumer and Corporate Affairs): I move, seconded by the Minister of Family Services (Mrs. Mitchelson), that Bill 14, The Real Estate Brokers Amendment Act (Loi modifiant la Loi sur les courtiers en immeubles), reported from the Standing Committee on Economic Development, be concurred in.

Motion agreed to.

Bill 15—The Law Society Amendment Act

Hon. Jim Ernst (Government House Leader): On behalf of the Minister of Justice (Mrs. Vodrey), I move, seconded by the Minister of Family Services (Mrs. Mitchelson), that Bill 15, The Law Society Amendment Act (Loi modifiant la Loi sur la Société du Barreau), reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 16—The Provincial Court Amendment Act

Mr. Gord Mackintosh (St. Johns): Mr. Speaker, I move, seconded by the member for Rossmere (Mr. Schellenberg),

THAT Bill 16 be amended in the proposed subsection 37(2) as set out in section 6 of the Bill,

(a) in the part preceding clause (a), by striking out “six” and substituting “five”;

(b) in clause (a) by striking out “three” and substituting “two”;

(c) by striking out clause (b);

(d) by adding the following after clause (c):

(d) one person who shall be the chairperson of the council, who is not a lawyer, judge or retired judge, appointed by the Lieutenant-Governor-in-Council on the recommendation of the Standing Committee of the Assembly on Privileges and Elections.

Motion presented.

Mr. Mackintosh: Essentially, this amendment is to ensure that the Judicial Council be comprised of a majority of laypersons, not judges.

The last Attorney General and the current Attorney General have gone around this province, and particularly following the Judge Allen and the Judge McDonald matters, have promised Manitobans that judges would be made more accountable to the public of Manitoba, and Manitobans welcomed that announcement, and they looked forward to these amendments to The Provincial Court Act, only to find in them a change which did not make judges more accountable to the public whatsoever. In fact, it made judges more accountable to themselves, Mr. Speaker.

For the first time in Manitoba, the Judicial Council, which is the disciplining body responsible for looking into charges of misconduct of provincial judges, was comprised of a majority of judges. It is a majority because three of the members are to be out-of-province provincial court judges, three to be nonjudges, the chair is to be a judge, and in the event of a tie, that chair gets a second casting vote.

Now, Mr. Speaker, there have been concerns expressed in Manitoba, particularly over the last year about the lack of accountability of judges to the public, and those concerns emanate especially from remarks that have been made from the bench from time to time reflecting on women and aboriginal people, in particular.

Manitobans are concerned about, what we can call, the society of judges. Manitobans recognize that judges do not, as they would like, reflect the diversity of Manitoba, do not always have the sensitivity that Manitobans would like to see to the issues, particularly to the challenges facing aboriginal peoples, people from different backgrounds, new Canadians, and facing women.

It was thought that the amendments to the act would make a step towards greater accountability to the public and greater sensitivity on the part of judges to those special challenges that many Manitobans face.

In committee, Mr. Speaker, the minister attempted to change the argument from a political one to a legal one. What she said was for there to be independence of the judiciary there had to be a majority of judges on the Judicial Council. After some debate with the minister, I still fail to understand the rationale for that argument. Certainly, judges must be independent in their daily decision making from the government of the day. That has been clearly set out in some decisions of the Supreme Court of Canada, Valente in particular, and indeed has been the subject of considerable discussion in the public forum today.

When it comes to discipline, surely the independence of the judiciary does not mean that judges can only judge themselves. The public input is critical. I think so long as the government of the day does not govern the discipline process, independence of the judiciary will be maintained. In fact, in Manitoba since 1972, there has never been a majority of judges on the Judicial Council. The Law Reform Commission, in its report of 1989, did not recommend that the judicial council be comprised mainly of judges, and it is indeed unfortunate that the government today decided that

we should have an enhanced power for judges—instead of a greater accountability to the public, have greater accountability of judges to themselves.

If in fact the minister can advise of a section in the Constitution, can advise of some decision on point, then I will say I am wrong, but there is no such section. There is no decision known to me, to Manitobans, which would prohibit a majority on the Judicial Council being comprised of the public. Judges of the Provincial Court hear, I believe, between 80 and 90 percent of the cases in this province. They are instrumental in affecting not only public policy but individuals and families, particularly since the advent of the Charter of Rights and Freedoms.

* (1540)

I think Canadians and Manitobans are looking more and more to the judiciary to solve many of the challenges and many of the disputes that exist in our community. This is not the time, I submit, to go backward and make judges more accountable to themselves. It is time to step forward. In the self-governing professions—of which the judiciary is not one—there is a marked move toward greater participation by the public on the discipline bodies and for good reason. But, unlike those self-governing professions, the power of judges expands well beyond affecting individuals. It affects public policy.

So this motion is moved to reduce by one the number of Provincial Court judges on their discipline body. It removes a lawyer from the discipline body because, Mr. Speaker, we fail to understand why a lawyer who has appeared before a judge and may appear before a judge in the future who was the subject of a complaint, whose firm has appeared before a judge and whose firm is likely to appear before a judge in the future, and a lawyer who is part of that society in the administration of justice who has, at a minimum, a perceived bias should take part in the discipline process affecting judges.

The test, Mr. Speaker, is the public perception. Will the public perceive that justice is done, that discipline is done in a wholly unbiased way?

What the amendments do finally is, instead of the lawyer position, it creates a new position, that of chairperson, who is appointed by the process established under such legislation as The Ombudsman Act, The Provincial Auditor's Act and by precedent dealing with the chief electoral officer and the Clerk of the House so that this Assembly, not the government of the day, but this Assembly through a public process will appoint a chairperson. I commend the amendment to the House, Mr. Speaker.

Hon. Rosemary Vodrey (Minister of Justice and Attorney General): Mr. Speaker, I will speak against the amendment.

We covered these issues in the committee. As the member knows, this is a bill which does allow for increased accountability in the area of judges. It is an improvement. It is what this government had promised to bring forward. This was developed in consultation with the public. There was an opportunity to speak with many groups and to explain exactly how this new process would operate. The bill as it stands makes improvements in that instead of simply having one system of the judicial council, it separates the adjudicative and the investigative function. That is a very important change.

However, Mr. Speaker, the issue that the member speaks about, that is, the composition of the council, is one in which he overlooks the very important matter of judicial independence. This is not a partisan issue. I would remind the member that Ontario and the Attorney General of Ontario, when Ontario brought forward their legislation, have recognized also the importance of the number of judges who sit on the judicial council and that they must have a majority in order to meet the requirements of judicial independence.

I also, Mr. Speaker, would refer the member and members opposite to the comments of Justice Sopinka of the Supreme Court in his comments. He also made comments about the requirement of having judges to have the majority of members to meet the requirements of judicial independence. It is also the opinion of the Department of Justice. It

is also the opinion of this government as we bring forward this bill.

Mr. Speaker, throughout all of the discussion, I have believed that the member is willing to put this legislation and this process at risk. It is very important that this bill be brought forward in a way that we believe is constitutionally sound to do the work that it is required to do, and in order to have this bill meet the requirements that make it constitutionally sound, we believe that it requires that judges have a majority on the Judicial Council.

Mr. Speaker, let me speak about how this council is organized. The council does have three judges, but they are three judges from outside of the Province of Manitoba, because we recognize the difficulty the judges would have in terms of making decisions about one of their own peers. So we came through discussion and agreement with western provinces, and they have agreed, the Province of Alberta, British Columbia, Saskatchewan, the Northwest Territories to provide judges. Manitoba will only be responsible for the expenses of the judges while they are here, and those judges will continue to be paid their salaries in their home jurisdiction. So that brings an amount of independence which I believe is important.

Mr. Speaker, the council will also have two lay people on its committee, and that is important because the views of Manitobans who are also a party to the justice system should also be represented. Yes, there is another member, the sixth member, who is a lawyer.

Mr. Speaker, I would remind the member that in the whole judicial process, it involves the judiciary, it involves lawyers and it also involves the public. The way this committee has been set up is one in which all three of the participants in the justice system are represented, and we believe that it is also constitutionally sound based on the kinds of traditional accountability bills brought forward in other provinces, based on comments by Justice Sopinka of the Supreme Court.

The member says that the Law Reform Commission did not recommend this particular

grouping on the Judicial Council. That is true. That report came in around 1989, but since that time there have been cases which have been before the Supreme Court in which judicial independence has been a very important matter, and in reviewing the cases that have gone before the Supreme Court, other legislation across Canada, the requirements for this bill to be constitutionally sound, we maintain that the bill as it stands is going to be an effective one for Manitobans.

Mr. Speaker, the member also speaks about judges, and he seems to group them en bloc. He seems to make an assumption from the very beginning that all judges will vote together very specifically. Well, I do not think that he can necessarily make that assumption. We believe that the judges who will be coming to sit on this very important council will be making their decision based on the facts before them, as will all members of the council.

So we would reject the amendment brought forward by the member for St. Johns (Mr. Mackintosh). We believe that the bill, as I said, as it has been put forward, meets the concerns that have been raised around judicial accountability. It splits the investigative and adjudicative function to make it fair. It allows for representation of all parties of the justice system. It follows also the kinds of issues that were of concern when other provinces brought forward this. It pays attention to comments by a justice of the Supreme Court.

Mr. Speaker, we would reject the amendments. We would speak against them, and we believe the bill, as it stands as was passed in committee, is one which we would recommend to the House.

Mr. Gary Kowalski (The Maples): I would like to add just a few comments speaking to this amendment.

There are some positive elements in this amendment. One of the positive elements is striking off clause (b). I agree with the member for St. Johns' (Mr. Mackintosh) arguments in favour of that. Also, in his new proposed section (d), the way in which the person who is not a lawyer, judge or retired judge would be appointed, I think is a

positive step, and I think that could have been in the original legislation.

But I cannot support this amendment and the main reason is the judicial independence. We have arguments from the Law Reform Commission and from a number of other sources—my natural instinct, my natural position would be to have more nonlawyers, nonjudges on the council, but we have legal opinions, we have opinions that say it would fall through a Charter of Rights, a constitutional argument. If the member for St. Johns had legal opinions to the contrary, I wish they would have been presented along with this amendment. But from the briefing from the minister that we had prior to this bill being presented in the House, from the research that was done, my understanding is that there must be a majority of judges on this council in order to meet constitutional requirements. So for that reason we cannot support this amendment.

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

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour of the amendment will please say ye.

Some Honourable Members: Ye.

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

Some Honourable Members: Nay

Mr. Speaker: In my opinion, the Nays have it.

* (1550)

Formal Vote

Mr. Mackintosh: Yeas and Nays.

Mr. Speaker: A recorded vote having been requested, call in the members.

The question before the House is the proposed amendment to Bill 16 at the Report Stage. It had been moved by the honourable member for St. Johns (Mr. Mackintosh), seconded by the honourable member for Rossmere (Mr. Schellenberg), that Bill 16 be amended.

All those in favour of the amendment will please rise.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Ashton, Barrett, Cerilli, Chomiak, Dewar, Doer, Evans (Brandon East), Evans (Interlake), Friesen, Lathlin, Mackintosh, Maloway, Martindale, Plohman, Reid, Robinson, Santos, Schellenberg, Storie, Wowchuk.

Nays

Carstairs, Cummings, Dacquay, Derkach, Downey, Driedger, Ducharme, Edwards, Ernst, Filmon, Findlay, Gaudry, Gilleshammer, Gray, Helwer, Kowalski, Lamoureux, Laurendeau, Manness, McAlpine, McCormick, McCrae, McIntosh, Mitchelson, Orchard, Pallister, Penner, Praznik, Reimer, Render, Rose, Stefanson, Sveinson, Vodrey.

Mr. Clerk (William Remnant): Yeas 20, Nays 34.

Mr. Speaker: The motion is accordingly lost.

Mr. George Hikes (Point Douglas): I was paired with the Minister of Agriculture (Mr. Enns). Had I not been paired, I would have voted ye.

Mr. Mackintosh: Mr. Speaker, in light of the outcome of the vote and given that the subsequent amendments were consequential, I will not be proceeding with the other amendments at Report Stage.

Mr. Speaker: I would like to thank the honourable member for St. Johns for that information.

Mrs. Vodrey: I move, seconded by the Minister of Finance (Mr. Stefanson), that Bill 16, The Provincial Court Amendment Act; Loi modifiant la Loi sur la Cour provinciale, reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 17—The City of Winnipeg Amendment and Consequential Amendments Act

Hon. Linda McIntosh (Minister of Urban Affairs): Mr. Speaker, I move, seconded by the

Minister of Consumer and Corporate Affairs (Mr. Ernst), that Bill 17, The City of Winnipeg Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Ville de Winnipeg et apportant des modifications corrélatives, as amended and reported from the Standing Committee on Law Amendments be concurred in.

Motion agreed to.

* (1610)

Bill 18—The Insurance Amendment Act

Hon. Jim Ernst (Minister of Consumer and Corporate Affairs): Mr. Speaker, I move, seconded by the Minister of Family Services (Mrs. Mitchelson), that Bill 18, The Insurance Amendment Act, (Loi modifiant la Loi sur les assurances), as reported from the Standing Committee on Economic Development be concurred in.

Motion agreed to.

Bill 19—The Mental Health Amendment Act

Hon. James McCrae (Minister of Health): Mr. Speaker, I move, seconded by the honourable Minister of Rural Development (Mr. Derkach), that Bill 19, The Mental Health Amendment Act (Loi modifiant la Loi sur la santé mentale), as reported from the Standing Committee on Law Amendments be concurred in.

Motion agreed to.

Bill 20—The Municipal Amendment Act

Hon. Leonard Derkach (Minister of Rural Development): Mr. Speaker, I move, seconded by the Minister of Industry, Trade and Tourism (Mr. Downey), that Bill 20, The Municipal Amendment Act; Loi modifiant la Loi sur les municipalités, as reported from the Standing Committee on Law Amendments be concurred in.

Motion agreed to.

Bill 21—The Manitoba Medical Association Dues Act

Hon. James McCrae (Minister of Health): Mr. Speaker, I move, seconded by the honourable government House leader (Mr. Ernst), that Bill 21,

The Manitoba Medical Association Dues Act (Loi sur la cotisation de l'Association médicale du Manitoba), as reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 23—The Manitoba Historical Society Property Act

Hon. Jim Ernst (Minister of Consumer and Corporate Affairs): I move, seconded by the honourable Minister of Family Services (Mrs. Mitchelson), that Bill 23, The Manitoba Historical Society Property Act (Loi sur les biens de la Société historique du Manitoba), reported from the Standing Committee on Economic Development, be concurred in.

Motion agreed to.

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

Hon. James McCrae (Minister of Health): Monsieur le Président, I move that Bill 26 be amended:

(a) by striking out "or" at the end of the proposed Clause 4(d) as set out in Section 6 of the bill;

(b) by adding "or" at the end of the proposed Clause 4(e) as set out in Section 6 of the bill; and

(c) by adding the following after the proposed Clause 4(e): (f) a banking institution.

Mr. Speaker: It was moved by the honourable Minister of Health (Mr. McCrae), seconded by—who seconded this?

Mr. McCrae: The honourable Deputy Premier (Mr. Downey).

Mr. Speaker: It was moved by the honourable Minister of Health, seconded by the honourable Deputy Premier, that Bill 26 be amended by (a) striking out "or" at the end of the proposed Clause 4(d)—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

Mr. McCrae: Mr. Speaker, at committee stage, it became clear to us that through a drafting error or oversight we accidentally excused the banks—or

included the banks in that group allowed to make designation of smoking areas. This amendment is strictly to leave things as they were before we got to committee stage, and I think I would offer thanks to those who came forward at the committee stage to bring this to our attention.

Mr. Speaker: Is it the pleasure of the House to adopt the motion? That is agreed. Bill 26 as amended, agreed and so ordered.

Mr. McCrae: Mr. Speaker, I move, seconded by the Deputy Premier (Mr. Downey), 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), as reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 28—The Off-Road Vehicles Amendment Act

Hon. Glen Findlay (Minister of Highways and Transportation): Mr. Speaker, I move, seconded by the Minister of Rural Development (Mr. Derkach), that Bill 28, The Off-Road Vehicles Amendment Act (Loi modifiant la Loi sur les véhicules à caractère non routier, as reported from the Standing Committee on Economic Development, be concurred in.

Motion agreed to.

Hon. Jim Ernst (Government House Leader): Mr. Speaker, I wonder if there is leave of the House to consider report stage on Bills 22, 24, 27 and 31, the bills that were considered this morning by committee.

Mr. Speaker: Is there leave to bring forward Bills 22, 24, 27 and 31 for report stage at this time? Leave? [agreed]

Bill 22—The Statute Law Amendment Act, 1994

Hon. Rosemary Vodrey (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Stefanson), (by leave) that Bill 22, The Statute Law Amendment Act, 1994; Loi de 1994 modifiant diverses dispositions législatives,

reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 24—The Waste Reduction and Prevention Amendment Act

Hon. Glen Cummings (Minister of Environment): Mr. Speaker, by leave, I move, seconded by the Minister of Finance (Mr. Stefanson), that Bill 24, The Waste Reduction and Prevention Amendment Act (Loi modifiant la Loi sur la réduction du volume et de la production des déchets), reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 27—The Highway Traffic Amendment Act

Hon. Rosemary Vodrey (Minister of Justice and Attorney General): Mr. Speaker, by leave, I move, seconded by the Minister of Highways and Transportation (Mr. Findlay), that Bill 27, The Highway Traffic Amendment Act; Loi modifiant le Code de la route, as reported from the Standing Committee on Law Amendments be concurred in.

Motion agreed to.

* (1620)

Bill 31—The Manitoba Employee Ownership Fund Corporation Amendment and Income Tax Amendment Act

Hon. James Downey (Minister of Industry, Trade and Tourism): By leave, Mr. Speaker, I move, seconded by the Minister of Education (Mr. Manness), that Bill 31, The Manitoba Employee Ownership Fund Corporation Amendment and Income Tax Amendment Act (Loi modifiant la Loi constituant en corporation le Fonds de participation des travailleurs du Manitoba et la Loi de L'impôt sur le revenu), as reported from the Standing Committee on Law Amendments be concurred in.

Motion agreed to.

Hon. Jim Ernst (Government House Leader): Mr. Speaker, would you call report stage on private Bills 300, 301, 302 and private public Bill 206.

REPORT STAGE—PRIVATE BILLS**Bill 300—An Act to amend an Act to Continue
Brandon University Foundation**

Mr. Leonard Evans (Brandon East): Mr. Speaker, I move, seconded by the MLA for Elmwood (Mr. Maloway), (by leave) that Bill 300, An Act to amend an Act to continue Brandon University Foundation (Loi modifiant la Loi prorogeant la Fondation de L'Université de Brandon), as reported from the Standing Committee on Private Bills be concurred in.

Motion agreed to.

**Bill 301—The Misericordia General Hospital
Incorporation Amendment Act**

Mr. Marcel Laurendeau (St. Norbert): Mr. Speaker, I move, seconded by the honourable member for Wolseley (Ms. Friesen), (by leave) that Bill 301, The Misericordia General Hospital Incorporation Amendment Act; Loi modifiant la Loi constituant en corporation le "Misericordia General Hospital", as reported from the Standing Committee on Private Bills be concurred in.

Motion agreed to.

**Bill 302—The Manitoba Historical Society
Incorporation Act**

Mrs. Shirley Render (St. Vital): Mr. Speaker, I move, seconded by the member for Wolseley (Ms. Friesen), (by leave) that Bill 302, The Manitoba Historical Society Incorporation Act; Loi constituant la Société historique du Manitoba, reported from the Standing Committee on Private Bills, be concurred in.

Motion agreed to.

REPORT STAGE—PUBLIC BILLS**Bill 206—The Coat of Arms, Emblems and the
Manitoba Tartan Amendment Act**

Mr. Gerry McAlpine (Sturgeon Creek): Mr. Speaker, I move, seconded by the honourable member for Gimli (Mr. Helwer), (by leave) that The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act (Loi modifiant la Loi sur les armoiries, les emblèmes et le tartan du

Manitoba), reported from the Standing Committee on Private Bills, be concurred in.

Motion agreed to.

Hon. Jim Ernst (Government House Leader): Mr. Speaker, I wonder if the House might entertain a short recess for two or three minutes.

Mr. Speaker: Is the will of the House to recess till 4:30?

Some Honourable Members: Agreed.

Mr. Speaker: The House is now recessed till 4:30.
The House recessed at 4:25 p.m.

After Recess

The House resumed at 4:31 p.m.

Mr. Ernst: Mr. Speaker, there have been discussions amongst House leaders, it would be the intent to proceed with the concurrence process starting immediately and carrying on until 6 p.m., at which time the concurrence process would be adjourned. At 8 p.m. we would return to the House to consider third readings of all of the bills presently before the House. The expectation would be that on completion of third reading of all those bills, the House would adjourn, whether that is after ten o'clock or not.

Mr. Speaker, so I would seek leave of the House to sit past ten o'clock if required.

Some Honourable Members: Agreed.

Mr. Speaker: We will decide that now. Would there be leave of the House to allow us to proceed until we have finished third readings of all bills that are presently before the House if we have to go after ten o'clock? [agreed]

Messages

Hon. Eric Stefanson (Minister of Finance): Mr. Speaker, I have a message from His Honour the Lieutenant-Governor.

Mr. Speaker: The Lieutenant-Governor transmits to the Legislative Assembly of Manitoba revised estimates of sums required for the services of the province for Capital Expenditures and recommends these revised estimates to the Legislative Assembly.

Mr. Stefanson: Mr. Speaker, I move, seconded by the honourable Minister of the Environment (Mr. Cummings), that the said message, together with the estimates accompanying the same, be referred to the Committee of Supply for consideration and report.

Motion agreed to.

Mr. Ernst: Mr. Speaker, I move, seconded by the Minister of the Environment, 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 Seine River (Mrs. Dacquay) in the Chair.

COMMITTEE OF SUPPLY

SUPPLY—CAPITAL SUPPLY

Madam Chairperson (Louise Dacquay): Order, please. Will the Committee of Supply please come to order.

We have before us for our consideration the resolution respecting the Capital Supply bill. I would remind members that as the 240 hours allowed for consideration of Supply and Ways and Means resolutions has expired, pursuant to Rule 64.1(1), this resolution is not debatable.

The resolution for Capital Supply reads as follows:

RESOLVED that there be granted to Her Majesty a sum not exceeding \$181,355,000 for Capital Supply for the fiscal year ending the 31st day of March, 1995.

Concurrence Motion

Hon. Jim Ernst (Government House Leader): I move, Madam Chairperson, seconded by the Minister of Finance (Mr. Stefanson), that the Committee of Supply concur in all Supply resolutions relating to the Estimates of expenditure for the fiscal year ending March 31, 1995, which have been adopted at this session by the two

sections of the Committee of Supply sitting separately and by the full committee.

Motion presented.

Ms. Avis Gray (Crescentwood): Madam Chairperson, I have a number of questions that I would like to ask the Minister of Health (Mr. McCrae), particularly since during the 240 hours of Estimates debate there was not an opportunity to get back into the capital planning section of the department. The minister was able to table the capital plan program somewhat after we adjourned the Estimates process. I had a few questions in that area and I am wondering if the minister would be able to answer them.

One of the areas that I am interested in is the difference between personal care homes in terms of nonproprietary and prop personal care homes. I believe the minister had indicated during the Estimates process that there was no distinction made between those types of facilities and either/or was acceptable in terms of any potential construction of personal care homes.

I am asking this question only because I have had some correspondence from an individual who is interested in starting a private nursing home, and basically, she is wondering what the process is or if there is something that perhaps she is not doing correctly in terms of that. The minister may be familiar with this individual, Lucy Codilan, who has applied for a number of years.

* (1640)

I guess my question for the minister would be, is there anything that the minister could suggest to myself or to this individual in terms of what information she requires in order to find out where her deficiencies are, if there are deficiencies in terms of her proposal where she is requesting some acceptance to look at starting a personal care home.

Hon. James McCrae (Minister of Health): Madam Chairperson, our program reflects efforts of the community and of the government working together. Capital programs that are reflected in the program, and those which are not as yet reflected in the program remain the subject of discussion between the department and proprietary and

nonproprietary operators of personal care centres in Manitoba.

There are criteria by which the government looks at proposals for construction of personal care capacity in our province, based on the needs of the clients and the potential client load in the future, and our planning goes on year by year on that basis.

Madam Chairperson, the honourable member has made reference to a particular individual or a particular proposal, and the member asked to whom we might refer such a person. I would say that that person should be referred to our Capital planning branch of the department. If the department—and I am not familiar with the particular proposal, but if that has been the subject of a refusal by the department, then I would look into that. But if it is a subject of asking the person to wait until needs exist, that would be another matter. I would be happy to review the file on the matter and report to the honourable member.

Ms. Gray: Madam Chairperson, I thank the minister for that answer.

Perhaps I could ask this question. In a letter that Ms. Codilan received in May of 1991 from the chair of the MHSC, a special committee, it was indicated that the criteria that were used included information such as previous experience, commitment and knowledge of the program innovation and service or organization, site locations and availability, cost to the Manitoba Health Services Commission, et cetera. My question would be, if this individual wanted to know how she fared in terms of those specific criteria, would that kind of information be available to her?

I ask that question because she is looking at the northwest part of the city: (a) if there is no plan to expand that particular part of the city in terms of more personal care home beds, it would be helpful for her to know that; and secondly, if she really, let us say, does not meet the criteria in a lot of areas, perhaps there is not a point in her proceeding, or if in fact she is only short in one area, then maybe there are some things that she could do. So I am

wondering if they would be that specific with an applicant.

Mr. McCrae: I would agree with the honourable member that if there is something fundamentally problematic with a proposal that it is not fair to lead someone on unnecessarily. I would want to be as forthcoming as possible with a proponent.

If it has to do with a particular region where at the present time we have a sufficient capacity, that should be told to the proponent. If there is something questionable about the proponent's experience or knowledge of the operation of personal care, that should be set out as well, so that if a proponent wants to proceed, they could correct whatever deficiencies there are and await the time when the need is there, and then there would be more hope of success.

As I say to the honourable member, I would be happy to review this and to be as forthcoming and open with the proponent as I possibly can.

Ms. Gray: Madam Chairperson, I thank the minister for that. I think what I will do is get back to the individual firstly and suggest that she meet with members of your department to see if in fact they can provide that information.

In a letter that the minister sent to me in mid-April, it was basically in response to some questions I had asked in regard to the Wellington Mennonite Personal Care Home Inc. project. The minister had indicated in that letter that the recent capital programs have concentrated on developing resources in areas which are below the recommended guidelines. The minister indicated in that letter specifically North Kildonan and the west end.

Now, the Wellington Mennonite Personal Care Home Inc. indicated to me that they have been working on their project for a capital plan for a personal care home since 1981, when Mr. Bud Sherman was the then-Minister of Health. They seemed to indicate to me that they have not been told by the department that in fact they should not continue on with their proposal. I believe they have engaged the assistance of an architect to develop plans, although I do not believe I see in the

capital planning where it talks about architectural projects being approved.

It is indicated under Schedule 1 that a project in construction right now in the west part of Winnipeg is the Betel personal care home which is a 100-bed facility. That is planned. Is there going to be any more expansion other than that 100-bed facility?

Secondly, can the minister indicate, not that the Betel project is not an important project, but how was a consideration made as to the government going ahead with that particular project versus the Wellington Mennonite project given the longevity, as an example, of the project?

Mr. McCrae: I do not think it is a question of it being one proposal versus another. I have met with the people representing the Wellington proposal, and we have moved forward with the Betel Home proposal in west Winnipeg. At the present time, we are not moving forward with the Wellington proposal.

The capital planning people and myself have had contacts with representatives of the Wellington proposal. I understand that they have been hoping to move forward for many years now. That is not unlike a number of proposals that exist in various areas of the province. It is a question of the proper timing for the various proposals to move forward or move on to the capital plan or to move forward in the various schedules.

I have been in contact with the Wellington proponents and met with them as well. We have not been able to move their proposal forward at the present time. Until we can demonstrate the need for it, then it would remain in the present status.

The Betel proposal—we know that one is a new 100-bed personal care home facility—is going ahead in west Winnipeg. We know that in Gimli and in Selkirk the Betel people already have some experience. The honourable member referred to that in a previous question. That is there, and it was deemed appropriate to move forward with the Betel proposal.

At this point, the best that I could say to the honourable member is that we would keep the

Wellington proposal in mind as we continue our planning. It is just that to this point we have not seen our way clear to move that proposal forward.

Ms. Gray: In the task force on Extended Treatment Bed Review, which was undertaken through the Department of Health, I believe that report recommended that in terms of beds that were needed in the west end of the city there are some 360. I am quite aware there are beds in all regions of the province that may have been identified and we are not going to be able to construct all of those bed needs within the next few years. But my point would be that even with the 100-bed facility that has been identified for construction with Betel there still is a shortage in the west end.

I guess my question then to the minister is, what is the suggestion to the Wellington Mennonite Personal Care Home Inc.? They have indicated in their correspondence and meetings with me that they have had a warm reception from the department and from the minister in the past, but they are wondering, do they continue on, do they continue to promote their proposal? Their concern is the amount of volunteer time and work that has gone into this proposal over the last 14 years, and they are really wondering how should they proceed or what should their next step be. I know that is a difficult question for the minister, but I will ask it anyway.

* (1650)

Mr. McCrae: It is a difficult question. Of course, the proponents are extremely dedicated to their proposal and made that very clear to me and no doubt to the honourable member as well. It is hard when you do not have something more positive by way of response. I think the honourable member understands the difficulty of the question she poses.

With respect, I think we can continue to look at our population health needs and trends as they develop. We want to be able to keep up with the need that is going to be there. Without saying by the time we get to capital planning next year, will that be the time, I am not able to say that at this time.

I will review the issues again though because I know the commitment of the Wellington people and their dedication to moving forward, and I understand that. It is always easier to say yes, go ahead, we are with you, than it is to say well, no, we are going to leave you on hold for a little while longer. That is not ideal in our particular business. What I will say to the honourable member is I will review this further with the capital planning branch to see if there is a better answer that we can provide to her and to the proponents in this case that will give them a better understanding of why this has not moved forward to this point.

Ms. Gray: I am pleased the minister will do that and perhaps even meet with the group again—although I know he has met with them before—and try to give them a bit more information on that.

I wanted to ask some questions about the Boundary Trail health centre. I know there is some controversy about this particular centre, because I have heard about the controversy within the health care field. A number of individuals and organizations think it is a positive idea, and others feel that in fact it is not such a positive idea, although I do not know how many the people who are not proponents have had a chance to read their program, which they were able to give me a copy of. I must say I have had a chance to go through the highlights; it is a fairly detailed program.

What I would ask the minister, if he can indicate to me in simple laypersons' terms, is in terms of approval for this facility to go ahead, has there been government approval for this?

Mr. McCrae: We have approved for architectural planning the Morden-Winkler project. This is a fairly significant project. I suppose anything you do that is of any significance is going to be controversial. There are going to be people on one side or the other.

I have made it a point to remind people that health care renewal does not, in and of itself, mean the closing of hospitals, as it has in some—health renewal has not meant that, in and of itself, there needs to be hospitals shut down as has been done in other jurisdictions, is the point I was making. However, the Morden-Winkler proposal is an

exception to that rule, because we build one hospital where there were two. We build into that hospital the kind of capacity that will be there to serve the population of the region in the future.

Anything like that is bound to have those who have concerns and those who are supportive of it. We continue to work through capital planning on this particular project. It is approved for architectural planning. I do not know for sure how long that is going to take. Having approved that, the government has approved moving with this project, and various projects move at various stages.

We will be working with the Boundary Trail people to see this project come to a successful conclusion and with, as always, the bottom line the care that is required and the population health needs that will need to be met not only now but in the future as well.

Ms. Gray: This plan then, this centre has been approved for architectural plans. Although one would think that a government is not going to approve architectural plans unless they have a plan to proceed, albeit it may be a fair length of time as we have seen with some of the projects over a number of government administrations, are final decisions on this particular centre going to be made with consideration of the rethinking of the regionalization of health services and sort of where those boundaries are going to end up? Is that going to be a consideration in this particular project?

Mr. McCrae: Madam Chairperson, I think the regionalization of rural health services certainly is important as we look to the delivery of services and, no doubt, will be on the minds of planners as we go forward with this project. However, in some people's minds there have been certain fears raised with respect to regionalization that it would have an impact on their facilities.

I have made it my business to ensure people that regionalization does not mean, as it has meant in other provinces, that they will lose their facilities. That being said, you can see from the population base in the region around Winkler and Morden that any facility built there is going to have an important regional aspect to it and planners will

have that in mind as they go forward. To what extent today future population health needs will impact or how they will impact the planning process, I do not know. We could find that out more by talking to the people doing the planning, but I have no doubt that future needs have to play a part in the planning of a new facility. I would have every expectation that would be the case here.

* (1700)

Ms. Gray: Madam Chairperson, in the capital plan it refers to Schedule I and Schedule II. Can the minister tell us, is there a different time frame between Schedule I and Schedule II?

Mr. McCrae: Schedule I, Madam Chairperson, is projects in construction already, or in the case of the Betel home which is listed in Schedule I, that will be happening just basically right away. Schedule II is projects approved for construction. That means that you have to get on with the tendering, so that construction can then begin after that.

Ms. Gray: Madam Chairperson, I see that in the Schedule II, the Carman Hospital is slated for an upgrade of their ambulatory care area and that there will be some provisions made to add space for health and family services. I had the opportunity to meet with some of the board members of the Carman Hospital a number of weeks ago and one of their concerns is how they as a hospital and as a community fit into the entire regionalization.

Their concern is a number of issues: one, a proximity that they have to Portage la Prairie in what is now the central region, a proximity that they have to the Morden-Winkler area. They have concerns about the construction of the Morden-Winkler or the Boundary Trail health centre, not because they do not feel there may be a need to service that area, but their concern as to what the impact will then be on the Carman Hospital because of traffic patterns, et cetera.

This is not exactly a capital planning question, but I guess my question would be in regard to this. When the decisions have been made as to which appear in Schedules I and II, and which appear in Schedules II and III for construction in capital

planning, how do these decisions fit in with the yet unmade decisions about regionalization and where we are going to go? Then are these schedules subject to change in the coming years?

Mr. McCrae: Madam Chairperson, regionalization is a process for the governance of the various services that we now have and will have also in the future. I do not blame hospital administrators or board chairs or members for wanting to preserve what they might already have or maybe even see in regionalization an opportunity for their particular facility to be used more extensively in the future. That all makes for some interesting discussion in the board rooms and in the planning rooms.

I am only asking of all of these people involved that they remember who the patient is and that the patient is the person we all work for. To that end and because I believe we can, through regionalized governance structure, be more efficient and wise in the spending of health care dollars—it is because of that and because of some concerns that crop up whenever change is in the offing, I have made it clear that health renewal does not mean the closure of hospitals, as it has meant in other jurisdictions. It does mean the closure of some hospital beds in favour of care in the community, where that is appropriate, and that has been done in a phased way and is done very carefully with regard to the needs of the patient.

But I have, like I said, made the point that it does not mean the closure of hospitals, does not mean that we will force patients to go somewhere they are not accustomed to going for treatments, and it does not mean that we are mandating the end of hospital boards. The future of hospital boards and the role they play will be decided by the people involved in the process of regionalization in the future.

First, we get through the process of regionalization this summer or later this fall. Then we get on to a discussion about the governance of these various regions. [interjection] Maybe the honourable member for Kildonan (Mr. Chomiak) has some questions. If he does, I wish he would save them up, and I would answer them. In the

meantime, I am trying to answer the questions raised by the member for Crescentwood (Ms. Gray). She is asking serious questions and wants serious attention paid to her questions. That is what I am trying to do.

All I am saying is to those who are now operating out of a place like Carman, for example, I can understand and I have heard those concerns about Portage, about Boundary Trail and other developments in the future and how that will impact on Carman. In the meantime, we are putting efforts and dollars into upgrading ambulatory care areas and adding space at Carman for help in family services. That means we see in Carman, as a department, a future for service delivery in that area.

Ms. Gray: Madam Chairperson, in meetings I have had with a number of hospital boards, as I have happened to be in various communities and I have met with a few such as Dauphin, Carman, Boundary Trail centre boards—two boards, Morden and Winkler. One of the things that comes up, as we have been discussing today, is the issue of regionalization. I suppose it depends on how you define what that is. I have told them my understanding of what I see as regionalization, that I happen to support the concept of looking at regionalization.

It was interesting to note that at the Manitoba Health Organization workshop, the day before the annual meeting that was held out in Portage, when the reporting was done in terms of the number of appeals that have been filed in terms of issues relating to the boundaries, I thought there was a relatively few number of appeals that are outstanding or that are there that need to be dealt with. I think that bodes well for the work that is being done so far through the Manitoba Health Organization and the various hospitals.

I guess my question would be, in terms of these schedules, are these schedules changeable? I am assuming that if something is already under construction, obviously it is more or less written in stone, but in terms of Schedule II, III and IV, are there changes in time frames that can be put in place that might put, let us say, something at a

Schedule III, move it up to a construction phase before something that was at a Schedule II. Does that happen? Is that a frequent occurrence?

Mr. McCrae: I will confess, Madam Chairperson, that my experience in dealing with the capital program is not a long one. However, I put forward a capital program to give the industry, if you like, and honourable members, sort of a picture of where we expect things to be taking us over the course of the next fiscal year. Should there be some extenuating circumstance that presents itself, I would like to be in a position to be able to respond in an appropriate way rather than take the perhaps overly bureaucratic approach and say, it is not in the program, then it is not going to happen.

I do not know if that is the right way to go either, Madam Chairperson. I see these various projects perhaps moving along at different rates, depending upon the proponents of the various projects themselves and how quickly they are able to get tenders out, how quickly they are able to hire an architect, how quickly supplies are available should they be in the construction mode, and on and on and on.

In terms of new projects, or as yet projects that have not been accepted, that strikes me as a little more difficult. However, should there be some pressing circumstance that requires us to have a look, then I will indeed have a look. But for budgetary and planning purposes, the program you have before you is what we have before us, and I do not at this time see a need for changes until I am convinced otherwise.

Ms. Gray: Madam Chairperson, I am sure the minister is familiar with the Riverton and district proposal to look at a personal care home in that area. I do not know if the minister would have information with him today, but does he have information about the number of personal care home beds in the Riverton-Interlake area, how they would compare per capita with, let us say, other regions of the province?

Mr. McCrae: Madam Chairperson, at various times I have had that information in front of me. I do not today, but I understand that in that particular region there is capacity available. I understand the

proponents of the Riverton proposal and the case they make. The member for Interlake (Mr. Clif Evans) has also made some comments here in the House about that through, I believe, a resolution in private members' hour. So that is one of those ones that is not unlike the Wellington one, whereby we have not yet seen our way clear to proceed or to agree to proceed, but we are willing to listen.

The numbers that I have seen do reflect a capacity that it could be said is sufficient at the present time. However, I would be prepared to share more information on that point with the honourable member if she would like.

Ms. Gray: Madam Chairperson, I would be interested in following up on that with the minister in regard to the proposal for the Riverton personal care home.

* (1710)

In Schedule IV of the capital planning, there is a project description that talks about 50 beds for younger residents and then it says, Young Disabled and then in brackets PCH. Does the minister have any information on what this is? The reason I am particularly asking this question is it strikes me unusual that we are looking at a personal care home for people who are younger disabled. That is why I am asking the question.

Mr. McCrae: Madam Chairperson, of recent construction, the honourable member will note in her travels, that some of the newer personal cares have a wing that is specially designed for people who are cognitively impaired. They are not necessarily elderly people, but the needs are presenting nowadays with younger people who do not fit the classic description of old folks home or as we have come to know personal care. So we are trying to make arrangements through our capital program for those who are not elderly people, but are requiring the services that resemble personal care level services. So I think the two, or actually there are more than that, that I have been to now where they have provision for people who are so-called younger residents.

When I visited Notre Dame, for example, Foyer Notre Dame, they have taken in some dozen or so patients from the Brandon Mental Health Centre.

Well, they are not all senior citizens, those people, and they have had to adjust programming at Notre Dame. They have done an admirable job of it I might add. Also, the personal care homes in Kildonan and in River East have provision for cognitively impaired individuals who need not be senior citizens.

Ms. Gray: Can the minister though clarify or assure me that in fact we are not looking at what I would call an institution if we are looking at 50 beds for individuals who happen to be younger disabled, that the government is not considering proceeding with that type of a project? I ask that question because I thought government policy over the last 10, 15 years had moved away from looking at what I call mini-institutions and more to providing needs for individuals such as the younger disabled in the community, that were more home-like settings, very independent settings, so can the minister assure me that this is not the case here?

Mr. McCrae: Without hesitation I would assure the member, it is not our intention to keep people in institutional settings when they can be appropriately cared for elsewhere.

I would get a breakdown of these 50 beds for the honourable member as to their nature and location and so on. I do not think they are all in one place—

An Honourable Member: Yes.

Mr. McCrae: They are? The honourable member for Kildonan (Mr. Chomiak) says they are. He knows more about this than I do.

I will have a look at that for both honourable members and see what lay behind this. The fact is, institutional care is what we used to do. We are moving to other models nowadays, and picking up a little criticism along the way, that we are demonstrating through our budgets and through our spending that we are indeed putting more emphasis on community care models.

Yes, indeed, I will look at this particular line in Schedule IV and get some detail for both honourable members.

Ms. Gray: I thank the minister for being willing to provide that information.

Does the minister have any information on if in fact the department is moving away from hostel care in personal care homes, the Level I or that type of hostel care? I know we have the situation in the west end of the city where it was considered hostel care, but due to a board not being able to provide renovations, those individuals are going to be moved. In general, in terms of that hostel care level where 10-15 years ago we saw more individuals going into personal care homes at that level, are we moving away from that in terms of facilities?

Mr. McCrae: I think, Madam Chairperson, that is implicit in the nature of the personal cares that we are building today. The hostels of 30 years ago were built for various levels and lower levels of care than we are providing nowadays in personal care. Today a lot of Level I care requirements and Level II care requirements are being looked after at home through our Home Care program. You get into the higher levels, that is when you need the kinds of standards that we are building in the newer personal care homes that we are building.

That leaves the question of the hostels. Physical construction-wise and otherwise, hostels are not as able to look after the clients, the residents who maybe entered those places years ago at Level I or Level II but are rapidly moving towards Levels III and IV, and the physical configuration and standards of the buildings are not able to keep up with the care requirements. So as we are getting out of the support for hostels we are replacing those hostel beds, for the most part, with personal care or moving the residents from the hostel homes to personal care where the levels of care that they require are needed and are likely to be available for some period of time yet.

So, yes, you will see these are time-dated buildings now, some of them, and we have to make sure that our physical plant is up to the task at hand. This is all part of the more we build into the community, the more you are going to see Levels III and IV people needing to be taken care of in institutional settings, whereas Levels I and II, you will see them looked after more at home and there will be less requirement for the hostel type of environment.

Ms. Gray: Madam Chairperson, is that the plan then, for people who today might have been eligible for what was hostel care a number of years ago, that they are going to be improving the services in the community such as home care so that in fact they can remain in their homes?

Mr. McCrae: Madam Chairperson, in recent years the Housing department has been involved in the construction of elderly persons residences as well. When you provide services to those people through the auspices of our Home Care services, their need to be placed in personal care, which are now being built to Levels 3 and 4 standards, is postponed for some time. So we are able to look after them at home for far longer than we used to be able to do, and that is because of the massive, massive increases in spending in the Home Care area.

Ms. Gray: Madam Chairperson, I think I have asked this question before in Estimates, but I would ask again since a number of weeks and months have gone by: Can the minister provide us a status update on the proposed recommendations of St. Boniface and Health Sciences Centre, their proposals for changes in terms of how they plan to meet some budget requirements?

I am asking that question because I want to know, and also because I seem to be getting more and more calls from staff at those two facilities who are being told by the management at the facilities that plans were in place—I believe in St. Boniface there is supposed to be a Phase 1 started April 1, a Phase 2 started sometime this summer—but that nothing has happened and everything is on hold.

Can the minister indicate, because I believe he has final approval on these recommendations, where that is at and when we might see an approval from the minister?

Mr. McCrae: It is quite a challenge, Madam Chairperson, to bring the department and both hospitals together on the planning for the implementation of all of these various recommendations. There have been many hundreds, in fact, thousands of ideas generated by the staff at these hospitals here in Winnipeg. I

expect quite soon to be able to get on with those Levels 1 and 2, I think they have been referred to or whatever they are called. We expect to be able to move forward with them, and we have been making a lot of efforts to minimize the impact for the staff who have worked so hard to generate these ideas in the first place. That is what has been taking some time, and I do not expect it will take much longer, perhaps weeks.

* (1720)

Ms. Gray: Madam Chairperson, I thank the minister for that. Some of the recommendations require some capital investments—I believe a computerized system at Health Sciences Centre. One of the recommendations at St. Boniface was looking at a pneumatic tube system in the hospital which is fairly costly in terms of capital construction, and there would be a number of years before any benefits would be seen to the hospital in terms of saving of dollars.

Can the minister indicate at all in terms of those kinds of recommendations that require capital investment, if there is a plan to proceed with those kinds of recommendations, as an example, the pneumatic tube system at St. Boniface?

Mr. McCrae: I will be better able to answer the specific questions raised by the honourable member today about those recommendations when we come forward with our, more or less, joint approach on how we are going to be dealing with those things, as I said, within a matter of weeks. It does deal with capital matters, it does deal with labour matters, but ultimately it deals with trying to make these hospitals more responsive to the needs that are out there. We have seen some preliminary things happening in our hospitals that really are pointing towards better patient care and it is nice to see those things.

I think the question the member is asking about the individual recommendations, the capital requirements, the staging of the implementation and so on, I will be in a better position when we do come forward publicly with our general response.

Ms. Gray: Madam Chairperson, can I perhaps then tell some of these individuals who are phoning that in fact, when the announcements do

come forward in the weeks to come, they will probably then within that announcement have some information as to whether some of these capital projects might proceed?

I am asking the question not just because of the capital that would be required, but the minister obviously is correct. Some of these changes then do have labour implications, and of course people are concerned about whether in fact their jobs are going to be there not just next month but years down the road. So, will that information be part of that announcement?

Mr. McCrae: I would like to give the honourable member and staff of these hospitals some reassurance about that. I believe that when we announce the changes, we will be able to answer specific questions of the kind the honourable member is probably getting from various staff people. I will say this though, that the labour implication is much, much less than had initially been thought to be the case. In fact, we are dealing with a very small number of people, I think, that would face layoff, if any. We will wait and see, but it is going to be a very small number compared with the number that some people might have thought.

As we look at the labour adjustment, there is no doubt that some people might be looking at doing their jobs differently or applying for jobs that become available because of restructuring, but in terms of asking people to leave the employ, I am very pleased to note that number is going to be very small compared with what had been bandied about previously.

Ms. Gray: Madam Chairperson, can the minister tell me, has he or his department had any decision making in regards to the industry of Arcor. I know that they were involved with development of some health care products, if I can use that term, but was there any responsibility through the Department of Health in that area or is that strictly another jurisdiction, which I believe is I, T and T?

Mr. McCrae: From my information, it is the other department. I have had absolutely nothing to do with it. It may be that there has been some

connection with the department, which I will check into, but I have had no role to play.

Ms. Gray: I will save those questions then for the minister responsible, but two more areas.

The one I want to deal with was in terms of people awaiting personal care home placements who are in hospitals, and I know we discussed this in the Estimates process about how some people are then moved on an interim basis to another facility such as a municipal hospital.

My question would be: With some family situations where the families are very adamant for what they see as good reasons about not having a relative moved from a community hospital—as an example, where they feel they are getting good care and moved on an interim basis to the municipals not because they are concerned about care at municipals or Riverview Health Centre, but more because of the environment. We know that the King Edward and the King George facilities are certainly run down, which is why we are renewing the facility.

What would the minister suggest to these family members in terms of an appeal? I am assuming it would first be to the hospital, but I am not sure. Should they go to the hospital and appeal to that hospital to see if their relative can stay in that hospital awaiting personal care home placement? Is there anything that families can do—because I think it is really a government policy, and I can appreciate why there is a policy.

Mr. McCrae: It may be, Madam Chairperson, that what causes the honourable member to raise the question is that the people about whom she is speaking may already have taken this up with the hospital or the doctor or somebody like that and not received the proposal that they might have wanted to receive. Ultimately, where do you draw the line? Who has the final say?

Normally, these things are worked out between doctor and patient, or if it is a case like this, I would think the hospital administration would have a role to play as well. I think I know the matter the honourable member is talking about. I have a vague recollection of it. I am not just sure at what point the minister's office gets involved in

these things, as long as I am assured that the patient is getting proper care. That is important to me as a minister and my department as well.

How we resolve disputes like the kind the honourable member is talking about, I have not made a final determination in this case except to make sure that the process is being followed. An old hospital is not necessarily a bad place to be. I understand that if—I know that renewal is happening at what was the Municipal Hospital and is going to be called Riverview. When that day comes, it might not be such a discussion about the matter; on the other hand, I cannot really understand or support keeping people in acute care spaces when longer-term care spaces are available.

That is a difficult one because sometimes to get a family to agree with you is not the easiest thing. I can understand how difficulties sometimes arise. I do not think there is anything wrong with the policy. Sometimes every single case cannot be resolved in accordance with a broad policy that is designed for everybody, and I am always willing to look at those kinds of cases.

If there is a need to look at this case again, I would ask that that be done, but in terms of my coming in and issuing final orders I have not been doing that. I do not know when it is appropriate for me to do that.

* (1730)

Ms. Gray: Are there staff in the department, then, that if in fact a family has gone to a hospital—in this case, it is Victoria and I will share the letter with the minister? I just received this letter, so I do not know whether the issue is being resolved, and I am not sure how the hospital has responded or does the community hospital have any control about that person being transferred to Riverview and what would then be a step? Is there somewhere in the department that this family then should be appealing to or someone they should be talking to?

Mr. McCrae: Madam Chair, if it is a matter of the appropriate care, I do not know what there really is to appeal. If acute care is not the required placement, then somebody has to accept that if there are other longer-term spaces available, that

might have to be the place to be pending more appropriate placement in personal care.

I do not like kicking people out of hospitals either. I want to maybe be brought up to date on this particular case, and sometimes you have to deal with a particular case as a particular case, and remember that a policy can be a useful thing, but it can also be a Procrustes bed, which, as members might remember, Procrustes was an undertaker who built one bed—not an undertaker, but a carpenter who built beds. He only built one size, and everybody had to fit in that bed. If you were too long, well, Procrustes had a unique way of making sure that you fit, and that was to use his saw. If you were too short, you had to be stretched so that you fit the bed perfectly.

Well, sometimes policies can be like that, and I have tried to make it a habit to make sure that our policies do not work like that.

Mr. Clif Evans (Interlake): Madam Chair, I just have a few questions for the Minister of Health.

I had the opportunity yesterday of meeting with the committee and the chairman for the Riverton personal care home committee, and I want to say that I am pleased that the minister has finally decided to meet with the Riverton committee to discuss a personal care home for Riverton. It is a long, ongoing process that not only the committee but the people in the area have been working for, for quite a few years, to try to get something in place, and I think they have something in place now.

It is a process and I discussed this with them yesterday at length, made some recommendations, and the delegation will be contacting the minister's office to confirm the July 14 meeting with them. I hope the minister will—and I think this is what they are looking for: they are looking for a good rapport with the minister to discuss the needs of the community for personal care, discuss the many issues that have been longstanding, with people leaving the community, having to go to other areas.

I think the minister will be very impressed with their proposal and their report that they will be presenting, and I certainly hope that during their

meeting the minister will give them all the due time in due course in discussing it with them and providing them with any further information that he can, so that the committee can take back and continue and proceed with this proposal, so that they can advance it and work with the Minister of Health and myself to try and get something in the community that has been long needed and wanted.

So I hope the minister will respond very favourably, and I have requested that the delegation meet specifically with the minister, one on one, and that the first initial meeting be one of information and direction to satisfy a goal.

Mr. McCrae: Madam Chair, it is true there is a meeting scheduled for July 14, which I expect to have and I look forward to, and I would be pleased to hear from the Riverton people, the proponents there. These kinds of things do take a long time; there is no question about it. Something as important as this with the dollars that are required, not only to build but to operate a personal care, it is appropriate that a reasonable period of time be taken to look at the issues—not an unreasonable period, I respect that, too. We will no doubt be discussing the needs in the region, and perhaps the Riverton people will make the point that their community has a lot of support for this. I will have an open mind when we do have that meeting.

Mr. Clif Evans: I appreciate those comments. Having said that, and, of course, with the different communities that we do have throughout Manitoba that are in need of personal care and hospitals and what not, but having discussed the same situation with the people in the community from Fisher Branch some time ago, I would just like to enquire of the minister, just what phase or what direction is the government taking in dealing with the Fisher Branch proposal? Can he see a light at the end of the tunnel with the Fisher Branch community and with the Fisher Branch proposal for a personal care home?

Mr. McCrae: Madam Chairperson, as I look at the capital program which was tabled in this House, I note under Schedule IV, Projects Approved for Architectural Planning, there has been an approval for the 30-bed proposal for

Fisher Branch. So I am not just sure where that was last year, but it is approved for architectural planning, which tells me that we are into the plan. We are into the capital program, which means that progress will happen at various stages for various projects. I think the difference here is that, with the people from the Riverton area, they would like to get into the program and begin the struggle to get their project completed. So we can see Fisher Branch is part of this program and Riverton is not yet part of the program, but that is what we will be discussing on the 14th.

Mr. Dave Chomiak (Kildonan): Madam Chairperson, I am delighted to have the opportunity to ask questions of the minister in a whole wide range of areas, and I have to be careful because I do not want to go over a lot of territory that was covered in Estimates and was not answered or was not quite dealt with. I will confine, I believe, most of my questions to the capital portion.

I just wonder, though, I have been going through the annual report, the most recent annual report from the Department of Health for '92-93, and I am noting that the Home Care Equipment and Supplies program at that time said that they supplied 350 different supply items in support of the provincial Home Care Program. I am wondering if the minister at some point can get back to me and advise us as to how many items the Supplies Program provides now that they have dramatically changed the program, the program being dramatically changed last year. Insofar as this annual report is several years behind, I wonder if the minister at some future point could just advise me as to what the change is with respect to how many different kinds of supplies, et cetera, are now provided by the Home Care Equipment program.

Mr. McCrae: Madam Chair, I will attempt to obtain that information for the honourable member. It is true that we have asked home care recipients to be responsible for certain low-cost equipment items, and that was felt to be a reasonable thing to do. In the meantime, however, we also have the services of the Home Care Advisory Council or committee as well as the

Home Care Appeal Panel. So, if anyone has a concern in that area, we have circulated, I think, virtually to every single home care recipient, information about these opportunities for them.

It may be that for some of them for a long time they have had a disagreement with this part or that part of the Home Care Program, and we see the appeal panel and the advisory committee as an opportunity for people to air their grievances, to bring forward suggestions that we could use to improve our home care service in Manitoba. I believe that there is no program in existence that there cannot be room for improvement in, and we are making every effort to make our program as responsive as we can and as responsive to the needs of the people who use them as possible.

* (1740)

Mr. Chomiak: Madam Chairperson, I wonder if the minister can indicate whether or not these notices about the Home Care Appeal Panel and Home Care advisory committee are being circulated to those individuals who were formerly on the Home Care Program, be it through cleaning and laundry service or be it through the Home Care Equipment program, whether these people who have been effectively cut off, and there are many, are also given an opportunity to restate their case in front of the appeal panel, because that may be overlooked. I am wondering if the minister, since he has indicated it is going to current Home Care utilizers, whether, in fact, those who have been cut off the service have also received or will receive an opportunity to state their case in front of either of these two committees.

Mr. McCrae: Madam Chair, I will enquire about that. I am not sure how many people myself received only cleaning and laundry services and no other services. Those people, it would be true, I would suggest that we have not been hearing from them, or we have not been visiting them, so that we would not have an opportunity to hear how it might have affected their lives, whether as a result they have had to go to a personal care home or onto welfare or those kinds of things which we do not want to see happen. So we will examine ways to

maybe reach out to them as well, if we have not already done so.

Mr. Chomiak: Madam Chairperson, in turning to the capital plan, I note that under the list of completed projects, '88 to '94, that the heating system replacement and mechanical, electrical survey for the Rehab Centre for Children was done from June 1990 to April 1991.

Can the minister advise me what function now the Rehab Centre for Children is being utilized for?

Mr. McCrae: Well, as much as I can say, based on what I have before me, which is the Capital Program, is that the Children's Rehab Centre is for rehabilitation and services for children. Beyond that, I can engage in further discussion with the honourable member at another time.

Mr. Chomiak: Yes, I would appreciate if the minister could advise, because I understand the Rehab effectively has been shut down. The beds were closed in spring of last year, that is 1993 approximately, most of the beds were shut down for the Rehab Centre, and I am not certain to what use, if any, the facility itself is being placed. So if the minister could perhaps return with that information it would be useful.

Mr. McCrae: I will enquire and respond to the honourable member in due course.

Mr. Chomiak: Madam Chairperson, I note at Health Sciences Centre, under Schedule II, that is, Projects Approved for Construction, construction is going to be undertaken for demolition of the Children's Hospital North, relocation of tunnels, and relocation of the Children's emergency ramp. Will that also entail a revamping of the emergency room for children at the Children's Hospital?

Mr. McCrae: Madam Chairperson, with a complex like Health Sciences Centre, there is no doubt that pretty well every year there are going to be various construction issues, various renovation issues to deal with keeping things up to date but also to deal with program changes that happen in an institution like that. I would respond to the specifics of the honourable member's question in writing on a subsequent date.

Mr. Chomiak: I thank the minister for that response. Under Schedule IV, that is, Projects Approved for Architectural Planning, it is indicated a Centralized Food Commissariat is going to be constructed. I wonder if the minister can indicate where that is going to take place, what it is going to entail and to whom the centralized food distribution system will provide their services?

Mr. McCrae: Madam Chair, the Health Sciences Centre kitchen service is old and in need of attention, and we needed to put into our Capital Program some commitment to take action. There are discussions going on with the hospital and other hospitals as well to look at all the food requirements for the hospitals in the city of Winnipeg. So it was appropriate to have something in the capital plan for this to demonstrate that we are prepared to look at the nutrition needs of the patients in Winnipeg hospitals. Beyond that, if there is something further, I could report later to the honourable member.

Mr. Chomiak: Madam Chairperson, yes, I wonder if the minister might outline for me what the specific cost is for the architectural planning for that particular project, because one suspects it is fairly significant and quite considerable. I would appreciate it at some time, at some future point—and I appreciate the minister cannot do it at present—those figures because it is a fairly significant change in terms of food services in the city of Winnipeg in general.

My separate question along the same line is: We see the projects approved for architectural planning are \$387 million. At least that is what it says. I have to assume that \$387 million is the total cost of the projects, and not the cost for the architectural planning. Otherwise, our friends in the architectural industry are doing far better than we even suspect. The former Minister of Health is not sure; he is nodding his head. So I am not clear, but it is \$387 million. I would appreciate a breakdown as to what the proposed costs are for that facility.

Mr. McCrae: Yes, because I was not really clear on all of the things that would be raised in a

discussion like this, and because the staff is not here to assist me with some of the detail, Madam Chairperson, I would take questions like that as notice and get back to the honourable member.

Mr. Chomiak: Madam Chairperson, can the minister indicate whether or not the payment for the architectural planning—is that a separate line item under the capital, or does that come under the specific budget of the institution? What I am trying to determine by virtue of this question is out of whose pocket the actual costs, payment is made for these particular services. In other words, does MHSC write a cheque to the architectural firm that is undertaking it, or does it come out of a line item of the budget for the institution, such as, in this instance, the Health Sciences Centre would pay out of its budget for the architectural drawings?

Mr. McCrae: Madam Chair, the funds for the capital projects flow from the government to the capital project sponsor. The capital project sponsor writes a cheque to the architect.

Mr. Chomiak: So, flowing from that response, the construction, for example, of the pneumatic tube or the expansion of the pneumatic tube at St. Boniface Hospital as a result of Level I and II recommendations from the hundreds and hundreds of people that participated under the direction of Ms. Connie Curran from the United States—that particular project would be paid for out of this capital and would not come out of the hospital's budget?

Mr. McCrae: I will just repeat what I said in response to the last question, that the way it usually works is that the government funds the various facilities. Whatever projects are approved for construction are approved for construction and the facilities then arrange for those projects.

Mr. Chomiak: Madam Chairperson, following that response, turning to Schedule V of the capital budget, I note that there are several projects under Personal Care Homes-Urban that have been approved, namely: Beacon Hill, Fort Garry, Heritage Lodge, Holiday Haven and the Luther Home.

* (1750)

Can the minister indicate that, in fact, the payment for the architectural work on those projects is also paid directly by MHSC?

Mr. McCrae: With respect to those specific questions I will respond at a later date to the honourable member as to how the funds flow in these circumstances. If you are looking at a significant renovation or a construction there are mortgages or there are arrangements made. There are various arrangements made and I can give the honourable member the detail on all of these projects.

Mr. Chomiak: Madam Chairperson, if one looks specifically at the Beacon Hill project, it says, renovation or replacement of 175-bed facility.

I am wondering how the determination is made as to whether a renovation takes place or replacement takes place and who makes that decision and at what level?

Mr. McCrae: We may hear, and this is without using a specific example, you are talking about renovation or replacement, some parts may be replaced, some parts may be renovated. We have to keep our personal care infrastructure up to satisfactory levels so that the program can be safely delivered in the personal care homes in Manitoba.

We are also engaged in a review of all of these matters relating to personal care to ensure that the residents of these homes are properly cared for and that there is assurance that they will be properly cared for in the future, so that with regard to any particular specific item in the capital plan, if the honourable member has questions I can make inquiries of the Capital Planning Branch and get the information to the honourable member.

Mr. Chomiak: Yes, I am particularly interested, aside from the earlier question as to who makes the approvals, what and where about the decision with respect to renovate or replace Beacon Hill.

Actually, I am particularly concerned with the fact of the one, two, three, four, five projects proposed for architectural planning in Winnipeg. Four of the five are proprietary homes, and I recognize the fact that the government has made a policy decision quite clearly to proceed to the

construction and the renovation of private homes. There is just no question, given that there has been a policy decision made by this government that proprietary or privately owned homes are going to be the way that this government is going to construct additional personal care homes.

That is a significant departure in Manitoba over the past, I would say, 20 years, and I am not even certain if the previous Lyon government went down that road, but it is fairly clear that this government has made a philosophical change and a policy change with respect to proprietary homes, and it is significant that of the ones planned in the city of Winnipeg, particularly when one considers that something like Wellington home has been on the books for years and asks for funding, that we see the move towards the construction of more private, or as they are called, proprietary homes.

The specific details—it is a significant issue that has not been debated. The whole question has not been debated in this Chamber as to this particular issue, and I think it is something that Manitobans ought and should have an opportunity to discuss, and they should have the information before them in this regard. Perhaps the minister may want to comment.

Mr. McCrae: Madam Chairperson, the approach with us on this side is not an idealistic or philosophical approach. It is basically, what is the right thing to do for our fellow citizens? What I want to emphasize is that there is no one area, in my view, or group of individuals who should be excluded by virtue of being proprietary or nonproprietary. The issue is one of philosophical hang-up, which I do not have. All I care about is the people we are trying to serve.

I can speak personally. Our own grandmother was a resident of a proprietary personal care home for some 15-16 years prior to her passing away at the age of 92 or 93 years of age. At first, I remember grandma's thought was, well, I do not want to leave my home. I do not want to go to a personal care home, but at that time there was never a question of what kind of personal care home it was. It was, do they have care for me? Will they look after me? Will I be happy?

Initially, leaving grandma's home was not an easy thing for her to do, whether it was to go to—but she did not say, but, oh, am I going to a proprietary or a nonproprietary personal care home? Grandma did not ask that. She said, who is going to look after my belongings and those kinds of questions, and will I be able to visit with my family on Sundays, and will I be able to have dinner with the family. Those were the things that were on grandma's mind.

After a little while in this proprietary home in Brandon, grandma settled in and was quite happy with the schedule that they kept there and happy with the staff and the way they treated her. The staff were very kind to her and to the rest of the family on many occasions.

But I refer the honourable member to completed projects, and these are nonproprietary: Deer Lodge Centre in June of 1991, the upgrading of 55 personal care home beds; and in June '91, as well, a capacitor replacement at Deer Lodge Centre.

I call to the attention of the honourable member that in September of 1990, at Fred Douglas Lodge, a nonproprietary PCH, there was the replacement of the 65-bed hostel area with 84 new beds to produce a 137-bed facility. In October of 1991, I mean, this was during those years when we had this philosophically-inclined-toward-proprietary-homes of this Progressive Conservative government, but in October of 1991 at the nonproprietary Golden West Personal Care Home we upgraded a 91-bed hostel. I did not know the Salvation Army was proprietary—but I guess they are not, they are nonproprietary. Also in October of 1991, I refer the honourable member to the nonproprietary Centennial Lodge facility—

Madam Chairperson: The hour being 6 p.m., as previously agreed, committee rise. Call in the Speaker.

IN SESSION

Committee Report

Mr. Edward Helwer (Acting Chairperson of Committees): Madam Deputy Speaker, the Committee of Supply has adopted certain

resolutions, directs me to report the same and asks leave to sit again.

I move, seconded by the honourable member for Portage la Prairie (Mr. Pallister), that the report of the committee be received.

Motion agreed to.

Madam Deputy Speaker (Louise Dacquay): The hour being 6 p.m., in accordance with the rules, I am leaving the Chair and will return at 8 p.m. this evening.

LEGISLATIVE ASSEMBLY OF MANITOBA

Monday, July 4, 1994

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