



**Third Session - Thirty-Sixth Legislature**

**of the**

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
ASHTON, Steve	Thompson	N.D.P.
BARRETT, Becky	Wellington	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave	Kildonan	N.D.P.
CUMMINGS, Glen, Hon.	Ste. Rose	P.C.
DACQUAY, Louise, Hon.	Seine River	P.C.
DERKACH, Leonard, Hon.	Roblin-Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary	Concordia	N.D.P.
DOWNEY, James, Hon.	Arthur-Virden	P.C.
DRIEDGER, Albert	Steinbach	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry, Hon.	Lakeside	P.C.
ERNST, Jim	Charleswood	P.C.
EVANS, Clif	Interlake	N.D.P.
EVANS, Leonard S.	Brandon East	N.D.P.
FILMON, Gary, Hon.	Tuxedo	P.C.
FINDLAY, Glen, Hon.	Springfield	P.C.
FRIESEN, Jean	Wolseley	N.D.P.
GAUDRY, Neil	St. Boniface	Lib.
GILLESHAMMER, Harold, Hon.	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KOWALSKI, Gary	The Maples	Lib.
LAMOUREUX, Kevin	Inkster	Lib.
LATHLIN, Oscar	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
MACKINTOSH, Gord	St. Johns	N.D.P.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McALPINE, Gerry	Sturgeon Creek	P.C.
McCRAE, James, Hon.	Brandon West	P.C.
McGIFFORD, Diane	Osborne	N.D.P.
McINTOSH, Linda, Hon.	Assiniboia	P.C.
MIHYCHUK, MaryAnn	St. James	N.D.P.
MITCHELSON, Bonnie, Hon.	River East	P.C.
NEWMAN, David, Hon.	Riel	P.C.
PALLISTER, Brian	Portage la Prairie	P.C.
PENNER, Jack	Emerson	P.C.
PITURA, Frank, Hon.	Morris	P.C.
PRAZNIK, Darren, Hon.	Lac du Bonnet	P.C.
RADCLIFFE, Mike, Hon.	River Heights	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack, Hon.	Niakwa	P.C.
RENDER, Shirley	St. Vital	P.C.
ROBINSON, Eric	Rupertsland	N.D.P.
ROCAN, Denis	Gladstone	P.C.
SALE, Tim	Crescentwood	N.D.P.
SANTOS, Conrad	Broadway	N.D.P.
STEFANSON, Eric, Hon.	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin	N.D.P.
SVEINSON, Ben	La Verendrye	P.C.
TOEWS, Vic, Hon.	Rossmere	P.C.
TWEED, Mervin	Turtle Mountain	P.C.
VODREY, Rosemary, Hon.	Fort Garry	P.C.
WOWCHUK, Rosann	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, April 25, 1997

**The House met at 10 a.m.**

**Mr. Clerk (William Remnant):** I must inform the House of the unavoidable absence of Madam Speaker and therefore, in accordance with the statutes, call upon the Deputy Speaker to take the Chair.

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

**PRAYERS**

**ROUTINE PROCEEDINGS**

**PRESENTING PETITIONS**

**Mobile Screening Unit for Mammograms**

**Mr. Stan Struthers (Dauphin):** Mr. Deputy Speaker, I beg to present the petition of Lisa Stephen, Liz Kondra, Doreen Burdeny and others requesting that the Legislative Assembly of Manitoba request the Minister of Health (Mr. Praznik) to consider immediately establishing a mobile screening unit for mammograms to help women across the province detect breast cancer at the earliest possible opportunity.

**Ms. Rosann Wowchuk (Swan River):** Mr. Deputy Speaker, I beg to present the petition of Alvin Cole, Shannon Hutchison, Irene Hockridge and others requesting the Legislative Assembly of Manitoba request the Minister of Health to consider immediately establishing a mobile screening unit for mammograms to help women across the province detect breast cancer at the earliest possible opportunity.

**READING AND RECEIVING PETITIONS**

**Mobile Screening Unit for Mammograms**

**Mr. Deputy Speaker:** I have reviewed the petition of the honourable member for Dauphin (Mr. Struthers). It complies with the rules and practices of the House. Is it the will of the House to have the petition read? Dispense.

*WHEREAS medical authorities have stated that breast cancer in Manitoba has reached almost epidemic proportions; and*

*WHEREAS yearly mammograms are recommended for women over 50, and perhaps younger if a woman feels she is at risk; and*

*WHEREAS while improved surgical procedures and better post-operative care do improve a woman's chances if she is diagnosed, early detection plays a vital role; and*

*WHEREAS Manitoba currently has only three centres where mammograms can be performed, those being Winnipeg, Brandon and Thompson; and*

*WHEREAS a trip to and from these centres for a mammogram can cost a woman upwards of \$500 which is a prohibitive cost for some women; and*

*WHEREAS a number of other provinces have dealt with this problem by establishing mobile screening units; and*

*WHEREAS the provincial government has promised to take action on this serious issue.*

*WHEREFORE YOUR PETITIONERS HUMBLYPRAY that the Legislative Assembly of Manitoba may be pleased to request the Minister of Health (Mr. Praznik) to consider immediately establishing a mobile screening unit for mammograms to help women across the province detect breast cancer at the earliest possible opportunity.*

**Mr. Deputy Speaker:** I have reviewed the petition of the honourable member for Swan River (Ms. Wowchuk). It complies with the rules and practices of the House. Is it the will of the House to have the petition read? Dispense.

*WHEREAS medical authorities have stated that breast cancer in Manitoba has reached almost epidemic proportions; and*

*WHEREAS yearly mammograms are recommended for women over 50, and perhaps younger if a woman feels she is at risk; and*

*WHEREAS while improved surgical procedures and better post-operative care do improve a woman's chances if she is diagnosed, early detection plays a vital role; and*

*WHEREAS Manitoba currently has only three centres where mammograms can be performed, those being Winnipeg, Brandon and Thompson; and*

*WHEREAS a trip to and from these centres for a mammogram can cost a woman upwards of \$500 which is a prohibitive cost for some women; and*

*WHEREAS a number of other provinces have dealt with this problem by establishing mobile screening units; and*

*WHEREAS the provincial government has promised to take action on this serious issue.*

*WHEREFORE YOUR PETITIONERS HUMBL Y PRAY that the Legislative Assembly of Manitoba may be pleased to request the Minister of Health (Mr. Praznik) to consider immediately establishing a mobile screening unit for mammograms to help women across the province detect breast cancer at the earliest possible opportunity.*

## PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

### Committee of Supply

**Mr. Gerry McAlpine (Acting Chairperson of the Committee of Supply):** Mr. Deputy Speaker, the Committee of Supply has considered certain resolutions, directs me to report progress and asks leave to sit again.

I move, seconded by the honourable member for Pembina (Mr. Dyck), that the report of the committee be received.

**Motion agreed to.**

## MINISTERIAL STATEMENTS

### Flooding Emergency Response Plans

**Hon. Glen Cummings (Minister of Natural Resources):** Mr. Deputy Speaker, I would like to provide a very brief update to the House this morning on flood conditions, followed by a brief report by the Minister of Government Services (Mr. Pitura).

Normal updates on the precise information on water levels will be made available later today at regularly available times, but early indications this morning are that we are remaining stable within predicted levels.

\* (1005)

The construction of additional diking in the Brunkild area is proceeding and is proceeding at a good pace being mindful of the weather conditions that could come upon us, but we are receiving good reports on the progress being made there, Mr. Deputy Speaker.

I also would like to report that there are 800,000 additional sandbags available this morning and an additional two million that will be made available shortly.

**Hon. Frank Pitura (Minister of Government Services):** I just want to inform the House in terms of updating that since yesterday the R.M. of St. Clements and Roseau River have declared states of emergency in their respective jurisdictions.

With regard to evacuations, approximately 3,850 people have now evacuated who are registered, and I am sure that there are a number of evacuees who have not registered to date. Those will be registered over the next little while so that we will have a more accurate number, but this is the number of registered evacuees at this present time. It is anticipated that many of the evacuees will probably be housed with friends or relatives, and therefore they do not feel that there is a need to register.

A change that has occurred since yesterday, Mr. Deputy Speaker, is the province has brought into force and recommended the mandatory evacuation of all

properties at risk by 8 p.m. tonight in the R.M. of Morris and in the area south from the R.M. of Morris to the United States border. The identification of properties and persons at risk will be determined by Natural Resources officers in consultation with local authorities. Essential personnel for dike maintenance and security of communities will consist primarily of Natural Resources and Canadian Armed Forces personnel. So this is a mandatory evacuation order for all areas in the R.M. of Morris and south.

Also, as a result, with regard to the protection of life, it has been advised to us by the R.M. of Ritchot that they would like to see the restriction of volunteers going into the R.M. of Ritchot as of this morning because of the potential risk to life. So we are working with them to put that restriction in place.

Armed forces personnel deployed to date: At Emerson we have 65 personnel; Rosenort, 65; Letellier, 38; St. Jean Baptiste, 65; Morris, 55; St. Adolphe, 110. An additional 250 regulars will arrive today for the possible deployment to the City of Winnipeg if requested. There are additional armed forces personnel who will arrive tomorrow by air in general support of flood operations.

I just want to also inform the House that the Manitoba Emergency Management Organization is continuing to staff the provincial emergency co-ordination centre on a 24-hour-per-day, seven-day basis to provide co-ordination of provincial response. For those members who do not have that phone number, the phone number there is 945-5555 if you wish to get hold of them. MEMO community advisers are in the flood area providing advice and assistance to local authority.

Those are the major changes from yesterday, Mr. Deputy Speaker. Thank you.

**Mr. Stan Struthers (Dauphin):** Again, thank you to the ministers who have provided the statements and the information to the House. It is beneficial to us all. I want to join with the government in congratulating those who are working on the diking project at Brunkild. I say congratulations and assure them that their work is important. We hope that they continue with the hard work that they are doing at Brunkild.

We also feel for the people who are mandatorily evacuated from the R.M. of Morris and south through to the American border. It is no easy task to pick up and leave your communities like so many of the people are, including those in Morris. We certainly feel for the people who have to do that today and wish them all the best.

One final point, congratulations to those who have been volunteering at the R.M. of Ritchot. It is in the best interests of the people who are going out there and volunteering that they not be put in danger, and we certainly thank those people who are working in that part of the flood zone as well.

With that, I just want to encourage again the ministers to keep the steady flow of information coming and again pledge our co-operation in dealing with this 1997 flood.

### TABLING OF REPORTS

**Hon. Rosemary Vodrey (Minister responsible for the Status of Women):** Mr. Deputy Speaker, may I have leave to revert to Tabling of Reports, please?

**Mr. Deputy Speaker:** Does the honourable minister have leave? [agreed]

**Mrs. Vodrey:** Mr. Deputy Speaker, I am pleased to table the Supplementary Information for the Manitoba Status of Women and Women's Directorate for 1997-98.

**Hon. David Newman (Minister of Energy and Mines):** Leave to table a report, Mr. Deputy Speaker?

**Mr. Deputy Speaker:** Does the honourable minister have leave? [agreed]

\* (1010)

**Mr. Newman:** Mr. Deputy Speaker, on Monday I tabled the Supplementary Information for the 1997-98 Expenditures of Estimates for Energy and Mines. My department has advised me there are five pages that are to be replaced: pages 11, 19, 23, 25 and 27. One change has impacted four pages. I would like to table these revised pages today. I apologize to the House,

but I believe these revisions will help members in their review of the department's Estimates in committee. Thank you.

### Introduction of Guests

**Mr. Deputy Speaker:** Prior to Oral Question Period, we have with us today from Benilde, St. Margaret's High School Choir and Band from Maples, Minnesota, under the direction of Keith Cuddy and Paul Keefe. We welcome you here today.

## ORAL QUESTION PERIOD

### Flooding Water Levels—Winnipeg

**Mr. Gary Doer (Leader of the Opposition):** We too would like to congratulate all the volunteers and officials in the tremendous efforts that have been put forward on behalf of the people that have had to evacuate across all of Manitoba. It is a huge task, and people are certainly carrying it out with great distinction in these very, very trying times.

Mr. Deputy Speaker, I would like to ask either the Premier or the Minister of Natural Resources a question on information dealing with the cubic foot flow through the city of Winnipeg. Late Wednesday, and reported in the media on Thursday, was the prediction that we would have some 71,000 cubic feet flow per second through the city of Winnipeg with 8,000 being from the tributaries, the La Salle, the Assiniboine and the Seine rivers. Now we are hearing that the tributaries and the flow from the Red will equal an amount of some 83,000 cfs in the city of Winnipeg at the peak. I would like to ask the government: Why has it gone up from the 78,000 figure to the 83,000?

**Hon. Glen Cummings (Minister of Natural Resources):** Mr. Deputy Speaker, the figures that we have for the estimated flow in the Red River will be at the elevations in the 24-foot range, and that is at the higher end of the predicted range. So that simply reflects that higher volume of water going through the river.

**Mr. Doer:** Constituents and members of the public are calling because they have read the material on the

projections of the 78,000 cubic feet flow per second with the tributaries on Thursday in the media, and they had also read and were very interested in the impact of the 24.5 at the James Street station. Now they are reading that it is 83,000 and no change on the upper limit of the James Street.

I would like to ask the minister: What is the answer to a 5,000 cfs increase in a couple of days in terms of projections and no change in the upper limits of 24.5 in terms of questions we are getting asked?

**Mr. Cummings:** Mr. Deputy Speaker, the answer is as I simply responded a moment ago. There are no changes in the levels and the volumes should correspond with those levels. I believe that there may have been some misunderstanding of the precise cfs that was printed or repeated, but certainly we have no changes in the predicted levels and what that means in volumes going through the city. There was a significant concern that a surge coming down the Assiniboine River might have elevated the river a couple of days ago and yesterday. In fact, yesterday morning, the Red River at James Street was running I believe seven inches below what we had predicted, so it is also driven by ice jams which can increase and reduce. On that point, Mr. Deputy Speaker, there were ice jams last night on the Assiniboine which gave some considerable concern. They have been watched closely, but it is temporary and it is localized. That does not mean that it is not a problem, but it is not a sign of significant increased flows in the long range down the Assiniboine.

\* (1015)

**Mr. Doer:** Mr. Deputy Speaker, I would like to further ask then—the government is saying that their projections are the 83,000 cfs per second in terms of the city of Winnipeg flow with the tributaries of the three rivers mentioned in both releases. Secondly, will that mean 24 feet 5 inches at James Street, and thirdly, what will the impact of that flow be on areas such as Scotia Street, Kildonan Drive, Bunn's Creek and other areas at the north end of the area where the Assiniboine comes into the Red?

**Mr. Cummings:** Mr. Deputy Speaker, I think we should focus on the levels that we have predicted to flow down the river. The cfs number is an important

number, but it need not be important for the discussion that we are having at this point because people are worried about whether or not there will be water on their property and at what level. We are continuing to forecast that the levels of operation are as we had indicated, and the upper level would be 24.5.

Now when the member asked me for a specific street, I am going to indicate he should refer to the City of Winnipeg and the levels, the elevations that they have at that particular location so they know whether or not they have appropriate protection at that level. The City of Winnipeg has been continually preparing at the 26-foot level—is the information they have been publishing and working with our people. That would give them an additional two feet of freeboard at that 24-foot level. Remember that these numbers, the freeboard is there to provide some sense of security and make sure that the dikes are substantial in order to withstand any fluctuations that might occur around that 24-foot level.

#### **Flooding Kingston Row**

**Ms. Diane McGifford (Osborne):** Mr. Deputy Speaker, this morning it is raining. Reports are that the stable weather conditions of the past week are not in the cards for next week. We are living in a state of emergency. People on Kingston Row and Kingston Crescent have received evacuation notices and of course are increasingly anxious about their homes.

I would like to ask the Premier if he would tell us this morning what contingency plans his government has in place if next week the water is lapping at the Kingston Row dike and the peak is not yet with us.

**Hon. Gary Filmon (Premier):** Mr. Deputy Speaker, I am not sure what the member is looking for. The contingency plans with respect to those areas are all in the hands of the local authorities, that is, the City of Winnipeg. If she would like to have the number, I am sure we can get it for her to call, and they would be able to give her that directly.

#### **Floodway Capacity**

**Ms. Diane McGifford (Osborne):** Yesterday the Premier spoke to us about the importance of balance,

and this side of the House respects and knows that the balance of our waters at present is delicate and subject to change, but residents of course are anxious for information.

I would like to ask the Premier in the case of the scenario outlined above if his government might consider increasing the flow of waters through the floodway.

**Hon. Gary Filmon (Premier):** Mr. Deputy Speaker, I believe that yesterday I attempted to outline the balance that the experts, that is the engineers, the technical people, the Water Resources people are attempting to follow in this matter, and that is that based on the predicted flows and the best information available, which does assume some precipitation as we talked about, and it does also assume that there are excesses built into the protection—as the Minister of Natural Resources (Mr. Cummings) spoke about, the City of Winnipeg is building two feet of freeboard in excess of the levels expected on their diking system within the city of Winnipeg—based on all of that, the expectation is that the flows will not exceed the levels that are prepared for and that the floodway will carry its maximum design capacity, which is of course only 60 percent of its actual maximum capacity.

The reason why we would not want to go to the extent that the member opposite is advocating, which is to push more through the floodway, is because we would have to then artificially raise the levels upstream of Winnipeg in all of southern Manitoba to levels that would exceed the height of the dikes they have built. We would then be forcing flooding into communities that have built dikes under the assumption of certain levels to be prepared for. But it is worse than that, and that is that by doing so we would also probably force the water higher in the so-called backdoor route through Brunkild where we are currently building 16 miles of dike, and that would force it into the city of Winnipeg through a route for which they are not prepared inside the floodway. It would come into the city of Winnipeg in any case. That is not a very good plan. I know it is a plan that was advocated on radio by one of the city councillors, I think without adequate information, quite honestly. It is not something that I think we ought to be advocating against the best advice of the engineers and technical people.

\* (1020)

### Roslyn Road

**Mr. Deputy Speaker:** The honourable member for Osborne, with her final supplementary question.

**Ms. Diane McGifford (Osborne):** Mr. Deputy Speaker, I just wanted to tell the Premier I am not advocating anything; I am seeking information, and, personally, I have great respect for engineers.

In view of the rising waters in the Assiniboine and the reports of already flooding basements along Roslyn Road, I want to ask the Premier what assurance he can give the hundreds of apartment dwellers along Roslyn Road, both east and west of the Osborne Street Bridge. I am talking about assurance with regard to the regulation of the waters in the Assiniboine River.

**Hon. Glen Cummings (Minister of Natural Resources):** Mr. Deputy Speaker, we experienced high flows yesterday and again today in the Assiniboine, and today's forecast will be available shortly, but we are not anticipating those levels to be long term. The information was that the upper end of the Assiniboine is beginning to recede, reduce flows. We also have, interestingly enough, protection of the flood plain. The flood gates and the diversion at Portage la Prairie will provide some significant additional diversion of waters on the river.

The member is asking about specific assurances at that level in the area of the Osborne Street towers. Those levels will be controlled within the same range as have been predicted. The precise measurement at that bridge I do not have in my hand, but it can be compared to last year's flood, the '96 flood, that we know we will have to be somewhat higher than that. That is calculated within the 24-foot range that we indicated at the James Street location.

So I want to assure that there is nothing unpredicted that is occurring, but there are some implications for ground-level services to some of those apartments, and that is why they were issued warnings that there could be an evacuation, not because there was going to be a dramatic event, but because there could be implications

for their services coming in at the low level, and that is the concern that has been identified by the city.

### Flooding Water Levels—Assiniboine River

**Mr. Stan Struthers (Dauphin):** Mr. Deputy Speaker, many residents and farmers along the Assiniboine River west of Winnipeg and those in the city who live along the Assiniboine River are very concerned that the water level of the Assiniboine is rising rapidly, and they need to make plans to protect themselves. These concerns have been issued to this side of the House and I am sure through the government side as well.

Can the minister or the Premier indicate to the House whether the diversion is operating at full capacity and whether the government is confident that it will divert enough water to alleviate the problems faced by farms and residents along the Assiniboine River west of the city?

\* (1025)

**Hon. Gary Filmon (Premier):** Mr. Deputy Speaker, as somebody who lives on the Assiniboine River, I am very much aware daily of what flows and levels are going through, so I made a point to ask the Water Resources people about it, and the information I received I think gave me some comfort that what we are seeing is the result of a temporary period that occurred. I believe it was last Sunday when, as a result of some rather severe ice damage to a bridge on the Assiniboine River floodway, they temporarily stopped all water going through the floodway. The ice was coming in huge chunks into the Assiniboine River diversion at Portage, and it did damage that bridge and caused them to stop the flow.

What that did was, for a period of time that I think was something like 16 hours, it allowed the full flow of the Assiniboine to go downstream of Portage la Prairie. That is what you are seeing come through right now, and it is a temporary thing and it will be dropping. If it has not begun to drop, it will be dropping noticeably very quickly, just as quickly as it rose.

So whatever went through Baie St. Paul and that area that you speak of between Portage la Prairie and

Headingley has already—I believe the worst has passed, and we are back down again. So that is the best advice I have, and, incidentally, the member asked about the flow in the diversion, and I believe it is running at approximately 15,000 cubic feet a second, leaving now something like 6,200 cubic feet a second to go through the regular channel through Winnipeg.

So most of it is being diverted in accordance with its capacity. I think they like to leave a reasonable flow going through Winnipeg, and that flow is now down. It would appear to be down to less than a third of what it had been at the bulge. That is what will be coming downstream now.

**Mr. Struthers:** Could the Premier or the minister then indicate if the Department of Natural Resources has some contingency plans for people living along the Assiniboine, particularly those living further west in the rural parts outside of the city of Winnipeg?

**Hon. Glen Cummings (Minister of Natural Resources):** Mr. Deputy Speaker, there have been some local streams that peaked about the same time that this elevated water went through as a result of the closure of the bypass at Portage temporarily.

That caused a surge. The department was out making sure that any spillage was minimized, that we were able to keep the ice moving as best we could. We have people on standby today to deal with ice jams, if needed, and hopefully they will not be, but, again, the high level that we have seen the last couple of days is not anticipated to continue. We would hope that we have seen the highest level in the area that the member is referring to. The update, as I indicated in my report earlier, the precise levels for today are being updated as we speak, and those will be made available as soon as possible.

#### **Flooding Livestock Removal**

**Ms. Rosann Wowchuk (Swan River):** Mr. Deputy Speaker, we hope that our farmers do not suffer the same losses to livestock as we saw our neighbours to the south suffer. However, the situation is becoming quite desperate and especially pressing for those in the poultry industry.

I would like to ask the Minister of Agriculture if his department is working to co-ordinate efforts to find facilities in other parts of the province to move these flocks, whether every effort is being made to co-ordinate volunteers, moving companies, or whether the armed forces that are now in the province are being called on to help move these flocks and save them.

**Hon. Harry Enns (Minister of Agriculture):** Mr. Deputy Speaker, yes, I can certainly assure the honourable member and all members of the House that staff in the Department of Agriculture is working tirelessly these days to accomplish just that. Just this morning I spoke again with several contacts with respect to the significant number of hogs, of course, that are normally resident in the Red River Valley. I am advised that a great number of them have been marketed. Homes have been found for those in jeopardy. There are a few in the peripheral area for which arrangements are being made in co-operation with the Emergency Measures people and the local authorities where, in some instances, permission will be granted to attend to hogs that are not in an immediate danger.

\* (1030)

The honourable member is right. Poultry is a particular problem, but there again, every effort is being made by staff in co-operation with the organizations. I might say the producers' boards, both eggs and broilers, are working with the Department of Agriculture staff to, wherever possible, find alternative housing. It is difficult for chickens. There are one or two instances that have been reported to me where they have gone to processing even prematurely.

#### **Disaster Assistance Livestock Coverage**

**Ms. Rosann Wowchuk (Swan River):** Mr. Deputy Speaker, since it is my understanding that livestock is not covered under the disaster assistance fund and basically because the federal government said in the past that individuals should purchase their own livestock insurance, can the minister responsible for the Disaster Assistance Board indicate whether his government is revisiting this issue and is now prepared to cover livestock losses under the disaster assistance

fund and whether any negotiations are going on with the federal government to see whether they will contribute to these losses?

**Hon. Harry Enns (Minister of Agriculture):** Mr. Deputy Speaker, I cannot and will not speculate on those kinds of issues. I think what we have to do is do first things first, try to protect life and property and livestock to the largest extent possible. I am sure that when the waters recede, there will be a sizeable challenge in front of all of us to assess the damages and to undertake any review of how some of those costs can be ameliorated, together with our senior partner, the federal government.

### **Crop Insurance Unseeded Acres**

**Mr. Deputy Speaker:** The honourable member for Swan River, with her final supplementary question.

**Ms. Rosann Wowchuk (Swan River):** Thank you, Mr. Deputy Speaker. I agree with the minister that farmers have much more pressing things on their minds right now than compensation, but there is also a great concern about the crops that will be seeded. Some farmers have protected themselves from this possibility by taking out the seeded acreage insurance and others have not.

Can the minister indicate today what the implications are to Manitoba farmers in crop insurance coverage by the announcement by Mr. Goodale agreeing to amend the crop insurance guidelines to offer farmers an extended coverage for their unseeded acres? Has the minister taken that into consideration, and what are the implications for Manitoba farmers?

**Hon. Harry Enns (Minister of Agriculture):** Well, Mr. Deputy Speaker, I believe the member in her question raises part of the dilemma. Insurance for the inability of farmers to seed crops for different reasons has been available and is available. I can inform the House that upwards to 80,000 to 90,000 acres of the Red River Valley that are now being covered with water have that insurance. I welcome the federal government's indication of support in whatever measure it is, but again I think it would have been more prudent to have talked to crop insurance people initially or to

Manitoba officials on the specific initiative that the member refers to.

Manitoba Crop Insurance tries to run an actuarially sound crop insurance program, and the kind of ad hoc, retroactive insurance coverage is not fair to all producers in the province and would have to be considered, in my opinion, outside of the normal crop insurance program. To do otherwise would be to ask her farmers, her producers in the Swan River Valley or in the upper reaches of the western part of the province to, through their premiums, reflect part of the assistance that Ottawa is generously holding out to the Red River Valley.

I have every empathy for the situation that farmers face. I also have some optimism. I am reminded that much of these same lands were under water a year ago at this time of year, and with the resourcefulness of Manitoba producers, 97 percent of the flooded acreages was in fact put into crop and successfully harvested.

### **Flooding Aftermath**

**Mr. Kevin Lamoureux (Inkster):** Mr. Deputy Speaker, my question is for the Minister of Natural Resources. Quite understandably, there has been a great deal of focus and attention being given in terms of the crest and when Winnipeg and other jurisdictions are going to be seeing that crest. The question that I have to the minister is: Can he give us some sort of a report on what is to follow the crest? When will we actually start to see the water recede to a point at which there will be some normalcy back to Manitobans' lives?

**Hon. Glen Cummings (Minister of Natural Resources):** On that point, first of all, people will have noted, as I am sure the member for Inkster has, that the crest dates have been delayed. The crest is not yet at Emerson. I am going to leave the precise predictions of the dates in the hands of the forecasters. They have indicated it will be in the first week of May at the city of Winnipeg, but in terms of how long we can expect high water, again there are a number of influencing factors, and I will work with the forecasters in that respect. We know that in other locations they saw at least 10 days or more of high water, and there has to be a significant amount of time. We will wait until the

forecasters provide us with that information on a precise date.

I think we should concentrate on preparing our diking efforts. I know the disruption and the concern that it raises at this point, but we must proceed to protect to the highest predicted levels so that we are confident that we can deal with the crest, and we will deal with the longevity of it when it gets here.

### **Flooding—Cleanup Emergency Services**

**Mr. Kevin Lamoureux (Inkster):** Can the minister give us some sort of indication? Resources such as our emergency services, how long would they remain in place, those valuable resources, after, for example, we have our crest?

**Hon. Glen Cummings (Minister of Natural Resources):** As long as necessary. Let me speak to the responsibility of Natural Resources and the responsibility that they take upon themselves at times such as this. The fact is that I am informed that the responsibility for the manning of the dikes and making sure that the infrastructure is sound and competent during the period of high water is in fact an even more heightened level of responsibility for those that are on duty, and we are indeed grateful for the hours and the dedication that these people are putting in today in advance of the crest. We know that we will have to call on them even more heavily once the crest is past in terms of making sure that the diking systems remain stable.

### **Military Resources**

**Mr. Deputy Speaker:** The honourable member for Inkster, with his final supplementary question.

**Mr. Kevin Lamoureux (Inkster):** What about things such as, let us say, the military forces? Would the government currently be in some sort of negotiations or discussions that once we have hit the peak we will be able to continue to rely on resources such as those to be around to assist in cleanup and in other areas that there might be a need?

**Hon. Glen Cummings (Minister of Natural Resources):** In fact, we anticipate the assistance of the

military and others in areas of responsibility to continue until we have dealt with the entirety of this flood event, but certainly we are looking and concentrating on the conditions that we must face during the impending peak. Certainly the member is correct to wonder what would happen following the crest, but, in fact, the level of support will have to continue well beyond the cresting of the river, and we are confident that we will have those resources at our disposal.

On behalf of the government, I want to make it very clear that we are extremely grateful to all of those who are out there today and have been for days and weeks and in some cases months working on the anticipated level of flood protection that we need. I am sure everybody in the province, but particularly those in the valley, is looking at the efforts that have been put forward and is extremely grateful and proud of the people of this province.

\* (1040)

### **Public Housing Behnke Road—Moving Expenses**

**Ms. Marianne Cerilli (Radisson):** Mr. Deputy Speaker, regarding the Manitoba Housing Authority tenants evicted on Behnke Road, the minister on April 16, '97, said: "All costs were picked up by the company Home Depot in moving these individuals." On April 21, Mrs. Waletzky, whose daughter and grandchildren were evicted, wrote to me: "I have been listening to Question Period and your questions to the Minister of Housing.

"I am sorry to say he is full of hot air . . . My daughter was told she would get moving expenses. Received nothing. Lies, lies & more lies."

I am willing to table that letter.

I want to ask the Minister of Housing: How does he explain the discrepancy—

### **Point of Order**

**Mr. Deputy Speaker:** Order, please. The honourable government House leader, on a point of order.

**Hon. James McCrae (Government House Leader):** Mr. Deputy Speaker, I seek direction or assistance from the Chair on this matter. As I recall, this subject matter was the subject of a question of privilege raised by the honourable member for Radisson and taken under advisement by the presiding officer of this House, and I wonder if it is appropriate, pending that review, for this matter to be canvassed further today.

**Mr. Deputy Speaker:** The honourable member for Radisson, on the same point of order.

**Ms. Cerilli:** The issue that I am raising has to do with the moving expenses, not the issue I raised earlier in terms of the press release and the scrap material being transferred for salvage, so I believe I am raising a new issue.

**Mr. Deputy Speaker:** The honourable minister did have a point of order because the member did refer to the matter that is before the House for the matter of privilege, but I would ask the honourable member to rephrase her question without referring to the matter of privilege that she was bringing forward.

\* \* \*

**Mr. Deputy Speaker:** The honourable member for Radisson, to rephrase her question, please.

**Ms. Cerilli:** The question I was going to ask the Minister of Housing is: How does the minister explain the discrepancy between his claims that those evicted from Behnke Road, those families, ended up having their moving expenses paid when the families themselves are saying that did not occur?

**Hon. Jack Reimer (Minister of Housing):** The member is referring to Behnke Road again, in which there was an agreement made between the Home Depot, who was the purchaser of the property, and Manitoba Housing that the expenses were covered in regard to the moving.

We paid for these moving expenses that these people incurred. Home Depot will reimburse Manitoba Housing for these expenses. So if there is a discrepancy regarding this particular individual not being paid—I am not too sure whether the member is

referring that this individual paid for the moving expenses, because Manitoba Housing did pick up the expenses of moving these people out of those units.

**Ms. Cerilli:** I would like the minister to explain to the House who is correct here and who is wrong. Is it the families who have said that they had received nothing from Home Depot or from Manitoba Housing to cover their expenses—they had to move in with family, were not provided new accommodation, a two-bedroom apartment like they had with Manitoba Housing—or is he correct when he is contradicting these families who have written to me clearly that they did not receive this support?

**Mr. Reimer:** Mr. Deputy Speaker, the letter that the member is referring to is referring to one individual person here. If this person somehow incurred expenses that we are not aware of, we will certainly look at it, because the intent was that Manitoba Housing would move these people at Manitoba Housing's expense—these people would not have a cost involved with the moving—and that Home Depot would reimburse Manitoba Housing for this moving expense. If there is a discrepancy regarding this one individual, we certainly will look at it and find out why she paid for her moving, because that was not the intent.

**Mr. Deputy Speaker:** The honourable member for Radisson, with her final supplementary question.

**Ms. Cerilli:** Will the minister bring to this House information that will clarify the number of tenants evicted from Behnke Road that had their moving expenses covered and what those expenses were? Will he clarify the record and bring that information to this House?

**Mr. Reimer:** As I indicated, if there is a problem with this particular person that got moved and she incurred expenses that were not covered for some reason, then we will certainly look at it. The intent was that Manitoba Housing would pay for the expenses of moving these people. We did this. If there is someone that incurred expenses, we are willing to look at this and find out why this person was billed for this, because this was not the intent. Manitoba Housing did pay for the expenses of the moving.

### Independent Schools Funding Formula

**Ms. MaryAnn Mihychuk (St. James):** Mr. Deputy Speaker, my question is to the Minister of Education. Yesterday we had confirmed that this government continues its voluntary sweetheart deal with private schools, despite the advice of its own advisory committee, the federal cuts and the very principles of fairness. Public schools are forced to cut programs and supports to their students and property taxes soar while private schools reap the benefits.

My question to the minister: Can the minister tell us how much private school fees have increased in the last four years, given that the average homeowner in my constituency has seen their school taxes go up 28 percent?

**Hon. Linda McIntosh (Minister of Education and Training):** I know the members opposite are philosophically opposed to people being able to exercise rights that do not put them into a mold, but I have to indicate several things in response to her answer. First of all, we talk about issues of fairness, issues of equality, issues of rights. We also talk about how to disburse funds—[interjection]

I am being distracted, Mr. Deputy Speaker, by comments that I can distinguish and I do object to, but I will not rise on a point of order because we have enough points of order being raised in the Chamber all the time.

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

**Mr. Deputy Speaker:** Order, please. Could I ask the members who are wanting to carry on their conversations to do so in the hall so that we can carry on with Question Period.

The honourable minister, to continue her response.

**Mrs. McIntosh:** Mr. Deputy Speaker, first of all, fees for independent schools will go up at different rates in different schools because they have different costs and different needs, so they do not have a standard across the Jewish board of education and the Christian schools and the Catholic schools, Holy Ghost School. All of

those schools will have differing rates. We fund children. We are responsible for the education of all children in Manitoba—public schools which are fully funded, independent schools which are partly funded; 50 percent versus 100 percent is what we are talking about. We have nonfunded schools that receive no funding at all. We have home schools. We are responsible for them all, and our concern is the children.

Taxes have gone up far less by school boards under this government than they ever were able to do under their government. That is an important point to note.

\* (1050)

**Ms. Mihychuk:** Mr. Deputy Speaker, my supplementary question to the Minister of Education: Does this minister know what programs have been cut out of private schools while we have seen cuts to early childhood programs, busing, counselling, resource, library supports, textbooks, and the list goes on? We have seen cuts to public schools and expansion of the private school system. Tell us what programs have been cut in the private school system.

**Mrs. McIntosh:** Mr. Deputy Speaker, I invite the member to come with me—it is a sincere invitation—and visit some of the small independent schools in Manitoba which would compromise the majority of them, and 83 percent are small religious schools. I would invite her to come with me and look at the programs, the equipment, et cetera, and she will discover they do not have very much to cut.

I would say, as well, that the member has identified programs that she has alleged have been cut because of our provincial funding, and she has identified programs that are not covered by Education funding and never have been in the province's history.

**Mr. Deputy Speaker:** The honourable member for St. James, with her final supplementary question.

**Ms. Mihychuk:** Mr. Deputy Speaker, I am asking the minister—she is indicating that she believes public schools have room to cut. What programs does the minister feel that public schools can cut? [interjection]

**Mrs. McIntosh:** Excuse me, Mr. Deputy Speaker, I did not quite hear the member for Wellington (Ms. Barrett). I wonder if she could repeat that, please, for the record.

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

**Mr. Deputy Speaker:** Order, please. Could I ask the honourable minister to answer the question. This is not the time to enter into debate with the honourable member.

**Mrs. McIntosh:** Thank you very much, Mr. Deputy Speaker. School divisions in Manitoba have received \$746.7 million this year from the Province of Manitoba. That is a \$115-million increase over what they gave the last time that they were in office, they being the members of the NDP. In addition to that, we have also provided money from Health to hire nurses. We have doubled special needs funding. We have introduced many new programs into schools, technology programs of millions and millions and millions of dollars that were never there in the '80s. I was there in the '80s; they were not there. They are there now, and they are continuing to grow and develop. Many private schools do not have those programs.

**Mr. Deputy Speaker:** Time for Oral Question Period has expired.

## ORDERS OF THE DAY

**Hon. James McCrae (Government House Leader):** Mr. Acting Speaker, would you be so kind as to call second readings for bills beginning at Bill 3, on page 4 of the Order Paper, down to and including Bill 25 appearing on page 5. If we should get that far today, then we could go to debate on second readings as listed beginning with Bill 2 on page 2 of the Order Paper.

## SECOND READINGS

### Bill 3—The North American Environmental and Labour Cooperation Agreements Implementation Act

**Hon. James Downey (Minister of Industry, Trade and Tourism):** I move, seconded by the honourable Minister of Environment (Mr. McCrae), that Bill 3, The

North American Environmental and Labour Cooperation Agreements Implementation Act (Loi sur la mise en oeuvre des accords nord-américains de coopération dans les domaines de l'environnement et du travail), be now read a second time and be referred to a committee of this House.

### Motion presented.

**Mr. Downey:** Mr. Acting Speaker, I have not heard whether I have been recognized or not, but I will proceed to speak. I want to at the outset just say how pleased I am that the NAFTA trade agreement is operating as well as it is. I am pleased to put some information on the record as it relates to Bill 3, The North American Environmental and Labour Cooperation Agreements Implementation Act.

Bill 3 commits our province to support two Canadian intergovernmental agreements which will add Manitoba as a signatory to two side agreements on labour and environmental co-operation that complement the North American Free Trade Agreement. Our government officially signed these two agreements in January of 1997. These side agreements reflect a recognition by all three NAFTA parties that trade and commercial interaction have effects on society beyond the economy itself, to labour practices and environmental issues.

During the NAFTA negotiations our government consistently stated that with the expansion of the Canada-U.S. Free Trade Agreement to include Mexico, formal accords on labour and environmental standards were needed to ensure a true level playing field. Within Canada, our province worked to ensure that provinces have substantial input into developing and enforcing these side agreements. We have achieved this through the exemplary work of my colleagues the former Environment Minister Mr. Cummings, the member for the Legislature, and former Labour Ministers Darren Praznik and Mr. Vic Toews. I thank them for their co-operation and input into the development of this bill.

By passing Bill 3, the government of Manitoba is acknowledging the lead role provinces play in dealing with the labour and environmental issues and Manitoba's strong commitment to become a full partner in shaping Canada's participation in these agreements. The agreement on environmental co-operation is a

major step towards harmonization; high level standards among all three partners in terms of environmental protection.

As we all know, the environment is no longer a purely local concern. Climatic change, the depletion of ozone and long-range transport of air pollutants are just three examples of issues that will require co-operative international action to resolve. This implementation agreement sets out the process by which Manitoba and other provinces signing the agreement can help the federal government to set Canada's position on environmental issues across the continent, including identifying potential research initiatives and prioritizing environmental concerns for common action.

Likewise, Manitoba's participation in NAFTA's side agreement on labour co-operation through the Canadian Intergovernmental Agreement opens the door to our involvement in setting up and directing the international agency which will address the impact of international trade on labour issues in all three partner countries. By signing this agreement and now passing the legislation, Manitoba demonstrates its commitment to co-operate with the three countries to promote, enhance and enforce basic workers' rights. Through our participation in the North American Agreement on Labour Co-operation, this province will be able to monitor more effectively how labour laws are enforced across North America, promote labour standards internationally at levels consistent with Manitoba's, make sure the basic rights of workers are protected and last but not least, protect the Manitoba business community from potential negative effects of improperly enforced labour laws in the U.S., Mexico and/or future parties to the trade agreement.

\* (1100)

I am proud to say on behalf of my honourable colleagues, that Manitoba was one of the leading provinces in developing these two side agreements, and we are very active participants in preparing the implementation agreements that are formally recognized in Bill 3.

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

**The Acting Speaker (Mr. McAlpine):** Order, please. Could I ask the honourable members to please give the

courtesy to the honourable minister when he is giving his remarks, to either cut your noise down or do so out in the hall or in the loge wherever you are.

The honourable minister, to continue your remarks.

**Mr. Downey:** Thank you, Mr. Acting Speaker. With these two side agreements signed and sealed and now just a step short of delivered, Manitoba is now fully prepared to continue seeking many opportunities for trade and export expansion that NAFTA offers. Manitoba has long been a supporter of NAFTA. Our business community has enjoyed tremendous recent successes in exporting to the United States and Mexico. Three years after NAFTA came into effect, our exports to these two countries total over \$4 billion. Such is the promise of expanding continental and hemispheric trade and an exciting new century of greater economic opportunity, a promise that has already opened doors and created broader horizons for Manitoba businesses, a promise that NAFTA, the companion agreements on labour and environment secures for ourselves and future generations.

Mr. Acting Speaker, I commend this bill to the House and I would hope that the members opposite would in fact move quickly to pass this legislation onto committee so that we can in fact clearly signal to Mexico and to the United States how we see the importance of the whole NAFTA agreement, and particularly the protection that the workers and the environment deserve under this co-operation agreement and the side agreement. Thank you.

**Mr. Doug Martindale (Burrows):** I move, seconded by the member for Transcona (Mr. Reid), that debate be adjourned.

**Motion agreed to.**

### **Bill 5—The Mineral Exploration Incentive Program Repeal Act**

**Hon. David Newman (Minister of Energy and Mines):** Mr. Acting Speaker, I move, seconded by the honourable Minister of Industry, Trade and Tourism (Mr. Downey), that Bill 5, The Mineral Exploration Incentive Program Repeal Act (Loi abrogeant la Loi sur le programme d'encouragement à l'exploration minière)

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

**Motion presented.**

**Mr. Newman:** Mr. Acting Speaker, the repeal of the Mineral Exploration Incentive Program comes about because the Manitoba Mineral Exploration Assistance Program, popularly called MEAP, and the Manitoba Petroleum Exploration Assistance Program, called PEAP, along the same lines, were introduced in the fall of 1995 to replace the Mineral Exploration Incentive Program.

MEAP was established under The Mines and Minerals Act at that time, just as PEAP was established under The Oil and Gas Act. These programs both offered a simplified application process with no restrictions on companies raising financing, therefore being more attractive to junior exploration companies. I might comment now that they are working very well and attracting large numbers of new explorers and returning explorers to the province of Manitoba with some success stories already emerging.

The background to the MEIP program which is being done away with by this bill was an effort to stimulate mining, oil and gas exploration activity in Manitoba and to encourage investment in Manitoba's economy. It was done pursuant to the 1991 budget offering investors a 25 percent grant for eligible investments and authorized exploration activities in Manitoba. The Mineral Exploration Incentive Program was created as a result of this provision and was based on the flow-through incentive mechanism provided by the Income Tax Act, Canada. The MEIP Act was proclaimed February 29, 1992. A subsequent evaluation of MEIP found the program restrictive, and this was because the application process was too complicated. It was difficult to qualify as a junior exploration company. It was difficult for investors to qualify for incentives as investors must be at arms length, and funds had to be raised via flow-through shares or limited partnerships. In addition, there were no time limits put on the program or the length of time companies had to raise financing.

The Mineral Exploration Incentive Regulation 42/92 was amended on October 13, 1995, to introduce

deadlines for junior exploration companies to raise financing, complete exploration projects and apply for payment. April 1, 1996, was the deadline for any MEIP participants to apply for payment of incentives. The MEIP program is now in the process of being wound down, and incentive payments to two companies are still pending. Necessary supporting documentation has been received, and payments of incentives will be issued pending review of audited statements.

I commend this bill to the House, particularly since we have a demonstration now that the replacement for it is working well, and we hope members opposite will support this bill. Thank you, Mr. Acting Speaker.

**Mr. Daryl Reid (Transcona):** I move, seconded by the member for Flin Flon (Mr. Jennissen), that debate be adjourned.

**Motion agreed to.**

**Bill 6—The Natural Gas Supply Repeal  
and Public Utilities Board  
Amendment Act**

**Hon. David Newman (Minister of Energy and Mines):** Mr. Acting Speaker, I would like to move, seconded by the honourable Minister of Labour (Mr. Gilleshammer), that Bill 6, The Natural Gas Supply Repeal and Public Utilities Board Amendment Act (Loi abrogeant la Loi sur l'approvisionnement en gaz naturel et modifiant la Loi sur la Régie des services publics), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Newman:** Mr. Acting Speaker, The Natural Gas Supply and Public Utilities Board Amendment Act is for the purpose of repealing The Natural Gas Supply Act, and the repeal of that particular act also requires then some amendments to The Public Utilities Board Act for that purpose only.

The Natural Gas Supply Act was introduced by the previous administration, in 1987, for purposes of establishing a Crown corporation to be called the Manitoba natural gas corporation. It was intended to utilize this corporation to operate in the natural gas

business in Manitoba and to take over the provincial gas utility, then Centra Gas.

\* (1110)

The provisions of the legislation were never implemented. Ideological issues aside, the government of the day, according to Hansard, hoped to take advantage of the deep discounting of gas that was taking place on the spot market. The natural gas utility was generally subject to longer-term contracts at that time, and was not able to take full advantage of these discounts.

In addition, at that time, Manitoba consumers were facing significant increases in the cost of natural gas due to the province's low load factor. The load factor, the average daily consumption of gas, divided by the annual maximum consumption, reflects the fact that Manitoba's industrial base is relatively small compared to residential heating demand. It was contended that by purchasing gas on the spot market at a discount, the province might be insulated from the inevitable load factor surcharges.

As a result of ongoing deregulation in the natural gas industry since then and the development of gas storage facilities by the primary utility, the market conditions that gave rise to the proposal to establish a Crown corporation no longer exist.

Activities of the natural gas distribution utility, Centra Gas, are regulated by the Public Utilities Board to protect the public interest. The development of a gas brokerage industry and the move by natural gas utilities to shorter-term contracts has resulted in a more competitive market. Indeed, over the almost 10 years since the act was introduced, the average Manitoba residential gas bill has increased by less than the rate of inflation.

In addition, the natural gas utility has gained access to downstream gas storage located in Michigan. Under this arrangement, the supply of gas for Manitoba remains relatively constant all year around. In the summer, the excess gas supply is injected into storage, and, in the winter, peak gas requirements are drawn off the pipeline in Manitoba and partially replaced from storage downstream of Manitoba.

As a result of these changes in the marketplace and the ongoing deregulation of the natural gas supply and distribution industry, there is no foreseeable need for, or benefit in establishing a Crown corporation for the purchase and distribution of gas in Manitoba. As a consequence, and in keeping with the government's commitment to reform and streamline the province's legislation, it is proposed by this bill that The Natural Gas Supply Act be repealed.

Repeal of The Natural Gas Supply Act, as I indicated, necessitates some changes to The Public Utilities Board Act. References in that act that deal solely with The Natural Gas Supply Act are being removed by this bill.

I commend this bill to the House, and would hope that all members will be supportive of the streamlining opportunity and the elimination of a redundant piece of legislation.

I just note, in commenting, in the Financial Post recently, there was confirmation of the status of competition in Manitoba dealing with natural gas. In the Financial Post of April 12, 1997, the Manitoba Public Utilities Board ruling was upheld by the Manitoba Court of Appeal, and that ruling supported the finding of the Public Utilities Board that competition must prevail within the natural gas marketplace in Manitoba.

Thank you, Mr. Acting Speaker.

**Mr. Doug Martindale (Burrows):** I move, seconded by the member for Broadway (Mr. Santos), that debate be adjourned.

**Motion agreed to.**

#### **Bill 11—The Northern Affairs Amendment Act**

**Hon. David Newman (Minister of Northern Affairs):** I would like to move, seconded by the honourable Minister of Industry, Trade and Tourism (Mr. Downey), that Bill 11, The Northern Affairs Amendment Act (Loi modifiant la Loi sur les Affaires du Nord), be now read a second time and be referred to a committee of this House.

In making this motion, I am wearing my hat as the Minister of Northern Affairs.

**Motion presented.**

**Mr. Newman:** Mr. Acting Speaker, this particular bill is part of the evolution of our northern communities, and it is an evolution which began in the early '70s in a legislative beginning kind of sense, with The Northern Affairs Act at that time. Over those 20 years now having passed, not one of the Northern Affairs communities, now consisting of 53 with populations, have become incorporated municipalities. The bill which is before this House on second reading now has essentially four amendments to The Northern Affairs Act, and I would take each of those themes of amendments one at a time.

The most significant one of those amendments provides for the minister to initiate a process of consultation about the possibility of incorporation of a northern community when a community council has examined and discussed the issue of incorporation and is reluctant to move, or for whatever reason, progress is not being made towards incorporation. When in that situation incorporation is perceived by the community and the Department of Northern Affairs to be an important building block in the process of creating healthier, more sustainable and self-reliant communities, the minister could recommend in those circumstances incorporation.

The present structure allows a community to begin to explore incorporation. This amendment would permit the minister to expand the process and, where applicable, recommend to cabinet that incorporation be carried out. It is intended that this recommendation would be made, that is the recommendation towards incorporation would be made, if there was a determined general confidence that the health, sustainability and self-reliance of a particular community would be enhanced as a result, and the informed opinion is at that time that the interests of taxpayers in Manitoba generally and community members would benefit in the long term with that transformation into an incorporated entity that is a municipality.

Incorporation is a process to be examined, reviewed from several sides. There are always benefits and

responsibilities that go with creation of an incorporated status. To date, some of the 53 communities have been reluctant to take on the responsibilities but have been willing to take on delegated or permissive authority. The responsibilities I speak of are those that go along with being an incorporated municipality. Those include, of course, a legal liability sort of sense and responsibility for generating a certain amount of revenue for the community. They then become accountable to those community members, just as any municipality is to the ratepayers.

Some of the communities have expressed—and in fact growing numbers of the communities have expressed—a desire for the freedom of incorporated status but do not wish the ensuing responsibilities of that corporate status. The amendment provides the opportunity for the minister to provide some balance to this process. The thinking behind the process and the values of incorporation are that with responsibility and the exercise of responsibility comes increasing self-reliance and therefore more sustainability and more health in the community.

\* (1120)

So that is the major thrust of the amendments. The second amendment is a minor one in appearance but could have potential positive benefits in terms of the same theme, the same movement towards sustainability, and that is adding to the financial institutions that can be utilized by communities credit unions as well as banks and trust companies. This kind of introduction of competition between financial institutions in itself is healthy, but it allows choice in what particular institution might better serve the community to be invested in, to be the depository of investments by communities and Northern Affairs.

A third amendment is one that relates to the taxation by communities. This is a modernizing amendment. It involves the repeal of provisions of The Municipal Act which are no longer appropriate given the new Municipal Act passed in 1996. The Municipal Act provides for the manner in which property and business taxes are applicable within the Northern Affairs jurisdiction and also makes the provisions applicable to communities on incorporation.

The change repeals provisions which outline a complicated process for imposing taxes, collection of taxes and tax sales. The new processes included in revisions to The Municipal Act enacted in 1996 will enable the department to be consistent with other municipalities. Also, incorporated communities pursuant to the incorporation process I have been speaking about will also then be consistent in this regard after incorporation with other municipalities in the province.

The assessment and tax roll services are provided by Rural Development, and tax sale procedures are applied by Land Titles Offices under The Municipal Act. So once again it is a step towards the northern communities becoming part of the mainstream when they become incorporated, and they have access like every other municipality to the resources of the province which serve needs in those sorts of area. The expectation also is that not only will there be consistency and an enhanced respect for our northern communities in this way, but this will also bring about an education of residents about the value of property ownership and some of the positive implications of property ownership and opportunities to become property owners.

The fourth theme of the amendments is that the Minister of Northern Affairs is given the authority to withdraw funding to a community without requiring the formality of an Order-in-Council, and this is, of course, in a situation where there is a dysfunction and a failure of the community to carry out its responsibilities in the interests of community members, and the minister can then intervene to protect their interests. This allows the minister to intervene and withdraw permission of a community to expend funds without requiring an Order-in-Council, and sometimes to protect community members it is necessary to move quickly. Given the time of year, it might not be possible to get an Order-in-Council in a timely enough manner, so this was the solution to that practical impediment and, again, consistent with providing better service to our northern community members who are resident in our Northern Affairs communities.

So I also commend this Bill 11, The Northern Affairs Amendment Act, to all members and would hope that we will get general support from all members of the

House with respect to this bill. Thank you, Mr. Acting Speaker.

**Mr. Doug Martindale (Burrows):** I move, seconded by the member for Flin Flon (Mr. Jennissen), that debate be adjourned.

**Motion agreed to.**

#### **Bill 15—The Government Essential Services Amendment Act**

**Hon. Harold Gilleshammer (Minister of Labour):** Mr. Acting Speaker, I move, seconded by the honourable Minister of Justice (Mr. Toews), that Bill 15, The Government Essential Services Amendment Act (Loi modifiant la Loi sur les services gouvernementaux essentiels), be now read a second time and referred to a committee of this House.

**Motion presented.**

**Mr. Gilleshammer:** Today I am introducing amendments to The Government Essential Services Act to include provisions for the negotiation of voluntary essential services agreements and to expand the scope to include essential health and child protection services. As members may recall, The Government Essential Services Act was introduced in 1996 in order to ensure that services essential to Manitobans could continue to be provided in the event of a withdrawal of services by government employees. In presentations to the legislative committee, the MGEU, as well as other representatives of organized labour, indicated they believed that negotiated essential service agreements were preferable.

The amendments I am introducing will put in place a process for the parties themselves to attempt to conclude essential services agreements. This process must commence at least 90 days prior to the expiry of a collective agreement to ensure sufficient time is available to negotiate an essential services agreement before services could be withdrawn. In order to ensure that the commitment that vital services will not be jeopardized in the future is met, in the event an agreement cannot be reached, the existing provisions of the legislation will apply. In other words, if the parties to the collective bargaining process are unwilling or

unable to conclude a voluntary essential services agreement, then a mandatory process for designating essential services is stipulated within the legislative provisions.

With respect to expanding the scope of the legislation, again, during the legislative committee process, both the Manitoba Health Organizations and representatives of the families of patients impacted by the 1996 personal care home strike quite rightly indicated that many vital health services were not protected by the legislation. In particular, the experiences of the personal care home strikes where no voluntary agreements were in place, highlighted the vulnerable position in which many Manitobans were placed.

The MHO submission to the legislative committee also stated that, contrary to the position of some unions, the voluntary essential services agreements in the health field had not been effective in ensuring that Manitobans were not placed in jeopardy when services are withdrawn. The expansion of the scope of the legislation to include essential health and child protection services will provide assurance that never again can these services be withdrawn without some protection in place for those in the most vulnerable circumstances.

\* (11 30)

Essential services provided by health and child protection entities will still need to meet one of the four categories of essential services in the act. In this case, the most likely category will be danger to life, health or safety. Unions in these sectors will also have all of the rights set out in the act to appeal the number of employees necessary to maintain these essential services to the Manitoba Labour Board. As was noticed when the act was originally introduced, public services are very different from the manufacturing of products, the mining of minerals or other private endeavours where strikes may occur. While individuals and even communities may be affected if a plant stops producing a particular product, no one's life is put at risk. That is why this type of legislation is common in jurisdictions where public servants who provide vital services have the right to strike.

Mr. Acting Speaker, this legislation is intended to balance the rights of Manitobans to be assured that essential services are not jeopardized with the ability of employees to exercise their right to withdraw services in accordance with the laws of Manitoba. The provision setting out a mandatory negotiation process will provide an opportunity for the parties to enter into a mutually satisfactory essential services agreement. However, if an agreement is not possible, the legislation will ensure essential services are not jeopardized. We believe this legislation provides the necessary balance in the public sector collective bargaining process.

**Mr. Doug Martindale (Burrows):** I move, seconded by the member for Broadway (Mr. Santos), that debate be adjourned.

**Motion agreed to.**

#### **Bill 18—The Emergency 911 Public Safety Answering Point Act**

**Hon. Glen Findlay (Minister of Highways and Transportation):** I move, seconded by the Minister of Rural Development (Mr. Derkach), that Bill 18, The Emergency 911 Public Safety Answering Point Act (Loi sur les centres téléphoniques de sécurité publique—service d'urgence 911) be now read a second time and be referred to a committee of the House.

**Motion presented.**

**Mr. Findlay:** Mr. Acting Speaker, I am pleased today to introduce The Emergency 911 Public Safety Answering Point Act. This legislation is intended to ensure continuing public confidence in E 911 service which is now expanding in the province of Manitoba. It is well known to the public at large that E 911 service provides important benefits to the public including faster dispatch of emergency services and universal recognition of the emergency telephone number. Everyone in the community, including travellers in the area, can instantly recall the correct emergency number 911 which is universal right across North America as opposed to trying to look up a seven-digit number or try to remember a seven-digit number. This is particularly true for the travelling public who may be out in areas where 911 currently does not operate. If 911 is in

place, they have an ability to remember that and respond to emergencies, particularly with cellular phones.

To understand the principle of this bill, members must appreciate that there are three basic components of a complete E 911 service. First, is the telecommunication service combined with the computerized database, that is the incoming information. The second component is a public service answer point which is referred to as a PSAP which provides answering for incoming 911 calls and dispatches that information to the appropriate emergency responder. The third part of the 911 system is emergency service providers, sometimes referred to as emergency responders. So remember those three components of an E 911 system. The focus of this legislation before the House is the second component, the PSAP itself which is the core of the E 911 service.

PSAPs must operate 24 hours a day, 365 days a year. To work efficiently and reliably, PSAPs must be properly staffed, equipped and administered. Moreover, there must be clear operating processes and procedures established between PSAPs and the emergency service providers, in other words, the emergency responders.

Today, there are two Manitoba PSAPs operating E 911 services; one in Winnipeg and the other in Brandon, and both have been functioning for some period of time. Both are owned and managed by the municipalities. Brandon's PSAP, which received a provincial one-time startup grant of \$441,000 was launched September 16, 1996. Many municipalities now are contracted with Brandon—these are municipalities throughout Manitoba—to provide service, and it is anticipated that they will cover about 250,000 users outside of the city of Winnipeg.

I want to stress that the participation by municipalities is voluntary and to participate they sign contracts with the City of Brandon to supply that service. Again, I want to remind members that the city of Brandon and the city of Winnipeg have had PSAPs in place for some time. Because 911 provides an important link to emergency service providers, there is a very high public expectation that PSAPs will be properly staffed and operated. Indeed, the term "911"

has become synonymous with emergency response in most urban areas of North America. While Brandon and Winnipeg will serve the majority of Manitoba's population, it is conceivable that other municipalities may decide to provide the services with their own PSAP.

I want to make it very clear at this point, Mr. Acting Speaker, that the E 911 PSAP operations at Brandon and Winnipeg currently meet and exceed all expected proposals of the legislation that I am proposing here today. Manitoba now has no legislation to ensure PSAPs are operated in accordance with basic standards of service in terms of staffing, training and performance.

The proposed act will give the Lieutenant Governor in Council the power to make regulations governing the operation of PSAPs. In passing this bill, the Manitoba Legislature will provide potential PSAP operators the information they require to frame their operations. More importantly, it will give Manitobans the assurance that PSAP operations will be properly staffed, equipped and administered, and really, as I want to reiterate again, in accordance with really what is currently done by Brandon and Winnipeg, our intention is to ensure that any other operator that may want to start up does live by certain minimum guidelines and requirements for effective service that the public can depend on with 100 percent reliability.

With those few comments, Mr. Acting Speaker, I want to recommend the bill to the House and hope that everybody will see the essential need of having this bill in place at this time for continued confidence in emergency response capabilities for citizens in the province of Manitoba.

**Mr. Daryl Reid (Transcona):** I move, seconded by the member for Broadway (Mr. Santos), that debate be adjourned.

**Motion agreed to.**

#### **Bill 19—The Human Rights Code Amendment Act**

**Hon. Vic Toews (Minister of Justice and Attorney General):** I move, seconded by the Minister of Rural

Development (Mr. Derkach), that Bill 19, The Human Rights Code Amendment Act (Loi modifiant le Code des droits de la personne), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Toews:** The purpose of this bill is to amend the Manitoba Human Rights Code to reduce the size of the board of the Manitoba human rights commissioners from 13 to 10 members effective October 3, 1997. The amendment is based upon a budget reduction proposal put forward by the commission. There will be no impact on the services provided by the commission, and the size of the board will continue to compare favourably with sizes of boards of other human rights commissions throughout Canada. The board of the Manitoba Human Rights Commission will continue to reflect the diverse nature of the population of Manitoba, and its effectiveness will not be affected by the reduction in its size.

The commission has managed to continue to fulfil its public education mandate by way of an internal reorganization of staff despite the loss of two staff positions last year. As well, the commission has broadened the range of options available for dealing with complaints through the introduction of mediation and conciliation programs resulting in speedier resolution of complaints. Currently there is no backlog of complaints waiting to be assigned to investigators.

**Mr. Doug Martindale (Burrows):** I move, seconded by the member for Flin Flon (Mr. Jennissen), that debate be adjourned.

**Motion agreed to.**

**Bill 20—The Summary Convictions Amendment Act**

**Hon. Vic Toews (Minister of Justice and Attorney General):** I move, seconded by the Minister of Highways (Mr. Findlay), that Bill 20, The Summary Convictions Amendment Act (Loi modifiant la Loi sur les poursuites sommaires), be now read a second time and be referred to a committee of this House.

\* (1140)

**Motion presented.**

**Mr. Toews:** The Summary Convictions Amendment Act proposes to increase the costs imposed on a fine, unless otherwise ordered by a justice, from 20 percent to 30 percent and to increase the limit on costs prescribed by regulation from 25 percent to 35 percent. The result of the proposal will be to increase across the board all fines included in the set fine book. The set fine book is used by enforcement officers to issue tickets for summary conviction offences included in several departmental acts. The most common offences are offences under The Highway Traffic Act, The Liquor Control Act and The Environment Act.

An increase in cost of 35 percent will, for example, result in a ticket for not wearing a seat belt to increase from the present \$66 to \$74. A ticket for speeding 21 kilometres over the speed limit will increase from \$83 to \$93 in total. These increases will put Manitoba at approximately the median range of fines for similar offences in other provinces.

The increase in fines is expected to act as a greater deterrent for breaking the law. It should also be noted that only those who choose to break the law will be affected by the increase in fines, not the public at large.

**Mr. Doug Martindale (Burrows):** I move, seconded by the member for Transcona (Mr. Reid), that debate be adjourned.

**Motion agreed to.**

**Bill 21—The Jury Amendment Act**

**Hon. Vic Toews (Minister of Justice and Attorney General):** I move, seconded by the Minister of Northern Affairs (Mr. Newman), that Bill 21, The Jury Amendment Act (Loi modifiant la Loi sur les jurés), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Toews:** Bill 21 proposes to eliminate per diem jury fees for trials that are 10 days or less in duration. Per diem jury fees would be paid for each day that a trial lasts over 10 days. Jury fees were originally

introduced to compensate jurors for lost wages while sitting on a trial. While this may have been appropriate at some time in the past, the per diem rate of \$30 per day is not representative of a realistic compensation for a wage earner. In addition, most larger employers continue to pay employees who are absent from work because of jury duty.

The average jury trial lasts six days, and during the jury selection process potential jurors may be excluded for reasons of financial hardship. This would allow persons who are self-employed or who would not be compensated by their employer during the time that they are required to be a juror to be excluded at the onset. This happens frequently already, especially with self-employed people. All selected jurors will continue to be compensated for out-of-pocket costs such as travel, parking, child care and meals.

Saskatchewan and Newfoundland do not pay any jury fees, and other provinces such as New Brunswick and Ontario pay only for trials that last over 10 days. Elimination of the per diem jury fees for trials under 10 days is expected to create a savings of \$96,000 annually, and, given that potential jurors can be excluded for financial hardship reasons, there will be no negative impact to the jury process or to the public.

**Mr. Doug Martindale (Burrows):** I move, seconded by the member for Broadway (Mr. Santos), that debate be adjourned.

**Motion agreed to.**

#### **Bill 22—The Law Reform Commission Repeal Act**

**Hon. Vic Toews (Minister of Justice and Attorney General):** I move, seconded by the Minister of Agriculture (Mr. Enns), that Bill 22, The Law Reform Commission Repeal Act (Loi abrogeant la Loi sur la Commission de réforme du droit), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Toews:** Mr. Acting Speaker, the purpose of this bill is to repeal The Law Reform Commission Act to

affect the winding up of the Manitoba Law Reform Commission effective July 1 of this year. The Manitoba Law Reform Commission came into being in October of 1970 and has provided various governments with reports that have resulted in legislation.

However, the government has decided that in order to meet its fiscal objectives and focus on the area of public safety, the Law Reform Commission will be wound up. This is not unique in Canada. I am advised that the British Columbia Law Reform Commission is no longer funded by the government of British Columbia, and its place has been taken by the B.C. Law Institute, a nongovernmental corporation funded through grants from various organizations such as the Law Foundation, the Bar Association, and the B.C. Law Society.

I am also advised that the Saskatchewan Commission has been significantly downsized over the years and that its budget of \$110,000 is shared equally between the government and the Saskatchewan Law Foundation. Ontario has announced the winding up of its commission, and Newfoundland wound up its commission a few years ago.

While this is a step that the government does not take lightly, it is a step that we believe must be taken, given the demands on government resources.

**Mr. Daryl Reid (Transcona):** I move, seconded by the member for Flin Flon (Mr. Jennissen), that debate be adjourned.

**Motion agreed to.**

#### **Bill 23—The Manitoba Public Insurance Corporation Amendment Act**

**Hon. James McCrae (Minister charged with the administration of The Manitoba Public Insurance Corporation Act):** Mr. Acting Speaker, I move, seconded by the honourable Minister of Rural Development (Mr. Derkach), that Bill 23, The Manitoba Public Insurance Corporation Amendment Act (Loi modifiant la Loi sur la Société d'assurance publique du Manitoba), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. McCrae:** Mr. Acting Speaker, I am pleased to rise in this House as Minister responsible for Manitoba Public Insurance to introduce for second reading Bill 23, The Manitoba Public Insurance Corporation Amendment Act. This is my first official legislative function as minister responsible.

It should be noted that the previous minister, the Minister of Natural Resources (Mr. Cummings), up until January 6 of this year has served Manitoba with significant distinction in his stewardship of the Manitoba Public Insurance Corporation. I do not know if any minister has held that responsibility as long as the honourable Minister of Natural Resources did, something over eight years. It is an achievement of which any minister can indeed be proud, considering the sometimes glorious, sometimes somewhat less than glorious history of this corporation.

It may be safely said, I suggest, that the more glorious part of the history of this corporation took place during the stewardship of the honourable Minister of Natural Resources (Mr. Cummings). So this is a good day for me to offer that minister my thanks, obviously as his successor, but also the thanks of all Manitobans because this minister has brought stability, along with the good people at the corporation, to the affairs of this corporation and a measure of stability and reliability for the people of Manitoba with regard to this very important service and function.

The Minister of Health (Mr. Praznik) in the last three months or so has had numerous occasions to comment on his predecessor, i.e., myself, and his comments are much appreciated by me when they are uttered. I was moved recently to comment that I have had little opportunity to offer these thanks to my predecessor, simply because the corporation's issues are not quite as numerous as you might find in the Health department. So, therefore, I have been on my feet fewer times than the honourable Minister of Health in order to offer my congratulations and thanks to the Minister of Natural Resources.

The corporation has indeed come a long way in the last nine or so years, Mr. Acting Speaker, and we, through the corporation and its staff, have continually

provided good service and indeed improved the services to the people of Manitoba that they require on an annual basis to keep our province moving.

\* (1150)

Indeed, also, the corporation has played a very responsible role in regard to public safety in our province. Of course, it can be argued that that is strictly for good business purposes, and that would be correct, but it is also a great service to our society rendered by the Manitoba Public Insurance Corporation in its efforts with all of its partners, for example, in the RoadWise campaign.

In January of 1996, MPI organized a partnership of provincial and community agencies concerned about road safety. Called the Manitoba Road Safety Coordinating Committee, members work on strategic campaigns under the RoadWise banner. Honourable members will have seen the messages on television and in other places about the requirement and the need for us to observe the rules of the road, to use our safety equipment and to ensure that—you know, we have seen messages about the dangers of speeding and so on.

Now, of course, we have a very serious problem in our jurisdiction respecting car thefts, which is not only a great deal of difficulty for something over 9,000 Manitobans and all the others who are affected by such activities but also the corporation itself and all of its ratepayers who have to deal with this problem. I can assure honourable members that Manitoba Public Insurance is continuing to play its leadership role in partnership with other agencies, including the Department of Highways, the Department of Justice, the Winnipeg Police and other police agencies, to address the whole issue of car thefts. [interjection]

Indeed, as the honourable member for Burrows (Mr. Martindale) points out, car thefts cost ratepayers money, and that is exactly the problem we face. There is I think grudging, if not general, agreement that the appropriate risk needs to be reflected in the appropriate rates paid by the citizens of Manitoba, whether it be in the rates they pay or in the deductible scheme that is in place before them by Manitoba Public Insurance. Indeed, I myself would probably be somewhat grudging in my agreement with this particular approach referred

to by the honourable member for Burrows. In order to be fair to all Manitobans, those who are very careful with the handling of their vehicles, the storage and so on, and security measures taken—and there are some Manitobans who unfortunately are not quite as careful, that needs to be reflected I think in the overall scheme of the corporation.

The goal of RoadWise is to reduce or eliminate unsafe driving behaviour such as speeding or impaired driving. Honourable members know my views about that particular offence, and that is reflected in the policies of this government. Like I say, the goal is to reduce these driving behaviours like speeding and impaired driving by revealing the impact these have on deaths, injuries, vehicles and Autopac rates.

Campaigns have included a combination of enforcement efforts and public education messages through the mass media. For example, the one launched on April 17 of this year called, No One Walks Away From Speed, and if honourable members have not seen that message, they will if they watch television. It is an extremely well-done message. It really does grab hold of the viewer. The message can be somewhat shocking, I suggest, and maybe that is what we need to do in some of our public education messages, because we have a lot of people in our province we want to protect, i.e., every single Manitoban. Sometimes I think we forget the dangers that we get ourselves into or subject ourselves to when we engage in some unsafe habits such as speeding. The other thing to be said about the message, Mr. Acting Speaker, is that there is a lot of Manitoba content involved in the production of it. I think from a technical standpoint, it could be viewed as an excellent production and may well be in line for further comment in the days and months ahead.

Statistics support the success of the RoadWise initiative. By the end of year one, there were 44 fewer deaths on our streets and highways and 2,000 fewer injuries than previous years. Just think, Mr. Acting Speaker, of the human implications in those particular statistics, and it does not take a whole lot of thinking for us to conclude that this is a very supportable program, the RoadWise program. We have tried through low rates and fair value over the years to provide a quality and effective service for Manitobans,

and we are proud that we still have some of the lowest auto insurance rates in Canada.

While our coverage is universal for all Manitobans, rates vary according to driver and vehicle risk. Drivers with unsafe driving records, that is an accumulation of traffic convictions and insurance claims, are denied insurance reductions and pay driver's licence surcharges. Similarly, customers who drive vehicles that are more expensive to repair or more likely to be stolen and not as safe for vehicle occupants, pay higher rates for higher risk. Now that, when looked at from a strictly business and fairness point of view, makes sense. Every year the corporation is required to justify the rates that it charges the people of Manitoba, and this is something I am very proud of.

I remember very well 1988. Some honourable members in this Chamber might remember 1988 very well too, especially those who were part of the previous administration. They remember it very well because Manitobans are extremely friendly people, but they are not likely to be fooled with when it comes to the whole aspect of injecting political influence into the setting of their Autopac rates. Honourable members know the results of that particular approach to the operation of Manitoba Public Insurance; they know it very well, and we do too. We watched what happened to the New Democrats and felt—I was almost going to say, sorry for them, but that is not the right way to put it either, because I did not. I do not want to see any government placing themselves and/or Manitobans in the position that the government of that day placed Manitobans. That was the wrong thing to do, and a price was paid by that particular government for its political manipulation of Autopac rates.

\* (1200)

A couple of the things that our government felt would be effective in making this corporation accountable and effective in bringing about the result of fair and equitable auto insurance rates would be to require Manitoba Public Insurance to justify its rates to the Public Utilities Board of Manitoba. That was a very good, sound policy initiative taken by this government. On top of that, the creation of the Crown Corporations Council was part of our program, Mr. Acting Speaker, which ensures stability, I think, for all of the Crown

corporations, ensures a level of accountability that is appropriate for publicly owned and administered corporations. Those two measures alone have had a lot to do with bringing about the rate stability that we are able to enjoy as Manitobans today. [interjection] The honourable member for Transcona (Mr. Reid) must have thought of an old joke or something, because I hear him joining in the debate from his seat.

I leave it to the honourable member for Transcona, when he makes his contribution to this debate, to explain how it is that the Pawley government of 1987-88 managed the Public Insurance Corporation, to remind us about some of the things that went on just not too long before that 1988 election and to attempt to justify all of those things. If they are still doing that, that will account very much for the fact that they remain where they are today, and their opportunities for future growth are greatly reduced by this attitude displayed by the honourable member for Transcona today when he wants to defend the whole concept of the way they ran this corporation the way they did. It is a good thing that the people of Manitoba did intervene in 1988, because today we can talk about a record of achievement at Manitoba Public Insurance which has enjoyed public support.

Specifically with regard to Bill 23, Mr. Acting Speaker, the proposal here is an administrative one. It is to amend one of the sections of The MPIC Act, and this proposal was initiated as a result of a request from the Finance department respecting Section 177. Section 177 of the act deals with payment of salaries, expenses and other costs related to the operation of the Automobile Injury Compensation Appeals Commission, another part of the operations of MPIC which, again, offers more to the consumer in terms of an ability to get justice, as it were, in dealing with the corporation.

Honourable members will know that a couple of years back, three years back, the government of Manitoba moved MPIC towards a no-fault system which, again, I suggest has helped secure the future of the Manitoba Public Insurance and to go along with that, the Automobile Injury Compensation Appeals Commission was struck in order to offer fairness and equity to the ratepayers of the Manitoba Public Insurance.

Subsection 177(2) requires that MPI, at the commencement of the government's fiscal year, pay the estimated operating costs of the commission for the upcoming year into the Consolidated Fund. The estimated costs must first be approved by the Lieutenant Governor in Council with the requisition for payment then coming from the Minister of Finance. The proposed amendment would delete the requirement that the requisition for payment come from the Minister of Finance, the purpose being to avoid any unnecessary invoicing procedure involving the Department of Finance.

There are no financial implications to the corporation as a result of this proposed amendment. The corporation has in place with the Department of Consumer and Corporate Affairs an established method for payment of the operating costs of the Automobile Injury Compensation Appeals Commission so that it can be arm's length from the corporation, reports to the Department of Consumer and Corporate Affairs.

The corporation has in place an established method for payment of the operating costs of the Automobile Injury Compensation Appeals Commission that will not be adversely affected by this proposed amendment. So while this amendment, Mr. Acting Speaker, is essentially very administrative in nature, the moving of this bill forward by myself today gives me that opportunity to remind honourable members, and hopefully all Manitobans, that we are fortunate indeed to have quality people at the helm of the Manitoba Public Insurance Corporation.

In my short time as minister responsible, I have become somewhat acquainted with them, and they are very committed Manitobans. We appreciate their efforts. We have had difficulties like hail storms, and difficulties like bad weather, and difficulties like high levels of car thefts. Those issues we try to deal with in a way that is appropriate, not only to the ratepayers of Manitoba, but also to the ongoing stability of the corporation. That stability for the corporation is what guarantees the reduced likelihood of the kind of rate shock that we used to see before the days when MPI came under the umbrella of the Crown Corporations Council or did not come under the scrutiny of the Public Utilities Board.

So it is with pleasure, Mr. Acting Speaker—I remember a time when I was Minister of Justice, I had virtually dozens of bills before the Legislature in any, certainly in one particular session, and numerous bills in other sessions. My colleague the Minister of Justice (Mr. Toews) has moved three bills just prior to mine today, which demonstrates the workload that these ministers have. This is the only bill that I have to bring to the Legislature with respect to the Manitoba Public Insurance Corporation. I wanted to take this opportunity to say a few words about this as I embark on my stewardship of this corporation responsibility about which I am extremely proud.

Thank you, Mr. Speaker.

**Mr. Daryl Reid (Transcona):** I move, seconded by the member for Burrows (Mr. Martindale), that debate be adjourned.

**Motion agreed to.**

#### **Bill 24—The Personal Property Security Amendment and Various Acts Amendment Act**

**Hon. Mike Radcliffe (Minister of Consumer and Corporate Affairs):** Mr. Acting Speaker, I move, seconded by the Minister of Northern Affairs (Mr. Newman), that Bill 24, The Personal Property Security Amendment and Various Acts Amendment Act; Loi modifiant la Loi sur les sûretés relatives aux biens personnels et d'autres dispositions législatives, be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Radcliffe:** Mr. Acting Speaker, I would like to take this opportunity to put a few cursory remarks on the record with regard to Bill 24.

Bill 24 looks to amendment of The Personal Property Security Act to update it. I would love to take this opportunity to elucidate my honourable colleagues in this House about some of—[interjection] I am sorry.

**An Honourable Member:** Elucidate on the parameters.

**Mr. Radcliffe:** Elucidate on the parameters, yes, and explain to them some of the concepts of The Personal Property Security Act, because The Personal Property Security Act is a very sophisticated and technical branch of our legislation which serves a very, very important function for the people of Manitoba. Mr. Acting Speaker, I would like to just look back in time a little bit.

\* (1210)

I remember the days when I was practising as a young lawyer. We used to attend at the county court, and I would have occasion to attend across this very street at our courthouse, at the County Court of Winnipeg. There was a whole panoply of judges in those days who were characters in their own right, but one would attend at the counter and look up the bills of sale and the chattel mortgages in the great big tomes that were lying on the counter there. That was our registry system of that day.

**An Honourable Member:** You could get married in there, too.

**Mr. Radcliffe:** Yes, you could, on Friday afternoons. The honourable government House leader indicates that you could get married in the county court, and I would recollect that Fridays were marrying days and that the county court judges used to perform that function.

**An Honourable Member:** And we asked them please not to leave their confetti.

**Mr. Radcliffe:** Indeed, yes. Confetti actually—the honourable government House leader raises the issue of confetti. Confetti is actually a pagan custom which is—[interjection] Yes, which is not accepted in many institutions, and in fact the county court used to frown on that.

But I would like to bring the discussion, Mr. Acting Speaker, back to The Personal Property Security Act about which we are talking today, because The Personal Property Security Act was instituted as a reform with the advent of computerization to update and revolutionize the recording of security on chattels. Now, as I am sure you know, given your background, that there are two kinds of property known to the

British common law. There is the real property which is land, and then personal property which is everything other than land, and so chattels and incorporeal hereditaments and anything of that nature, which is not land, falls into the ambit of personal property. [interjection] Right, yes, well, you can have a fee simple—I hear my honourable colleague the government House leader say that you can have different estates in land, and you can have a fee simple, which is the most extensive type of ownership known to our citizenry in this jurisdiction. In fact this does raise the issue that in fact under our legal jurisprudence all property comes from the Crown, and the Crown has an underlying residual interest in land, in property.

**Hon. Harry Enns (Minister of Agriculture):** That was Riel's problem.

**Mr. Radcliffe:** Well, true indeed, yes. The honourable Minister of Agriculture indicates that one of the founders of this province, Mr. Louis Riel, had a problem with that issue. In fact, in our jurisprudence and the whole fabric and pith and substance of our laws are based on the fact—pith and substance of our laws—[interjection]. The pith, well, I will reflect upon and elucidate on that issue in a few minutes, Mr. Acting Speaker. But the fact is that there is either a reversionary right to the Crown, there is the concept of a street in bono vacantia whereby property will revert to the Crown. Then, of course, we get the different kinds of landholding where we have a fee tail, which was a type of landholding that was known to the British jurisprudential system, whereby you would entail a piece of property, real property, which would pass down to the male heirs or it would be to the distaff side, if that was indicated. [interjection] Indeed it was, and the honourable Minister of Agriculture indicates that this was in fact common knowledge amongst the educated folk who were involved and they were the clerics of that day.

To bring this off the topic then back once more to the personal property security registry act—[interjection] Indeed, yes, yes, we must talk about that. What we are proposing to introduce today are some specific changes to update The Personal Property Security Act, and as I was reflecting earlier, The Personal Property Security Act confines its attention to chattels, to portable pieces of property so that everything that is not real property

is personal property. So being more specific, Mr. Acting Speaker, I would point out that there are a number of punctuation changes in this act to make the reading flow more carefully. The first provision of any substance deals with the issue of a conflict where you have a leasehold interest of land, which I had touched upon, which is a personal property and there is a new provision added to resolve the priority dispute between a person with a security interest in rental payments under a lease of land and a person who acquires an interest in real property lease either by assignment of lease, sale of property or by a registered mortgage.

Now I should just perhaps reflect for a moment on some of these types of ownerships. You see, Mr. Acting Speaker, in our jurisprudential type of view of the world, we do not look at it the way perhaps some of the other great civilizations of the world have. You can look at landholding in India, whereby there was a local raj, or lord, who was the landowner in a particular area, but, in fact, that did not mean that he had the right to occupy the land because there were serfs or peasants or tillers of the soil, hewers and drawers of wood and water that resided on the land, and they were the responsibility of that local landowner so they, too, shared the bundle of rights. So whenever you are considering either—[interjection]

A bundle, well, yes, but what you do when you are looking at rights to property, you must consider that there is a bundle of rights and there is the right to dispose; there is the right to change; there is a right to acquire; there is a right of receiving rents from them. So in all these issues, Mr. Acting Speaker, we are talking about a vast array of rights. So the Personal Property Registry looks to some of the rights that people have over chattels.

Now what we have done, we are proposing under Section 35(10) of the new act that we are introducing to say that a security interest, now a security interest under The Personal Property Security Act, and this is a consensual system whereby—and I would just perhaps reflect on that for a moment for the edification of my colleagues on this issue that the consensual system means that two parties, formed of equal status and intelligence, come forward to the Crown and say, we want to register some proprietary or some possessory rights against this personal property. So what they will

do is they will register, for the world at large, a notice in the Security Registry, which is located across the street in the Woodsworth Building, and run by some very able staff, I would add.

I am very delighted to have the responsibility of supervising this department. I would just comment in passing that when I entered the public forum of politics and public life, I thought that I had bid farewell to my legal background and my career. I have found that I am just delighted by occupying this position as Minister of Consumer and Corporate Affairs because, in fact, I am immersed again, once more, in the disciplines of study and the reflection on varying aspects of the law and people's rights and policy that we should be drafting for our good citizens of Manitoba.

I am delighted to say that I understand perhaps a number of the issues. I may not understand the answers, but I certainly am aware of the issues. On this particular issue, Mr. Acting Speaker, Section 35(10) of the new act states that a security right, a security interest, I should say which I have just explained, in a right to payment under the lease of real property to which this act applies is subordinate—and that is the issue, it is subordinate—to the interest of a person who acquires for value the lessor's interest in the lease or in the real property thereby demised—demised being rented—if the interest, or notice of interest, of the person is registered against the land before the interest or notice of the secured party is registered against the land.

So that is one of the principal amendments that we are introducing. Now what we are doing in Section 49(2) of this legislation—and I must keep an eye on the time because I do want to speak to another act that we are introducing to this Chamber as well today. In 49(2), what we are doing is adding, as a result of the addition of 35(10) to which I just referred dealing with the real property lease payments, a clause which allows notice of security interest in lease payments to be registered in the Land Titles Office which, of course, gives due notice to our citizens.

\* (1220)

Now one of the other issues, which I just reflect upon in passing under this legislation here, is to allow partial

discharges of security interests which enable people to deal much more flexibly with the security interest which was not permitted up until now. You had to discharge the whole security interest and then reregister and accept deferrals—[interjection] Oh, no, but I want to outline the whole concept of this because it is fascinating work, and I want my honourable colleagues to have a grasp of the depth of the thought that has gone into this.

However, perhaps at this point, I would conclude my remarks, Mr. Acting Speaker, because I would not want to tax the patience or the good spirit of my colleagues opposite, and I would wrap up my remarks with these few comments and look forward to introducing some remarks on Bill 25. Thank you, Mr. Acting Speaker.

**Mr. Doug Martindale (Burrows):** I move, seconded by the member for Flin Flon (Mr. Jennissen), that debate be adjourned.

**Motion agreed to.**

### **Bill 25—The Proceeds of Crime Registration Act**

**Hon. Mike Radcliffe (Minister of Consumer and Corporate Affairs):** Mr. Acting Speaker, I move, seconded by the Minister of Northern Affairs (Mr. Newman), that Bill 25, The Proceeds of Crime Registration Act; Loi sur les enregistrements relatifs aux produits de la criminalité, be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Radcliffe:** Mr. Acting Speaker, I would like to outline a bit of the concept and policy which lies behind this bill, as well. What has happened is in order to combat the effects of crime and the depredations of our criminal elements in society today, we want to arm our right-minded citizens with—

**An Honourable Member:** As opposed to our left-minded citizens.

**Mr. Radcliffe:** Well, you know what, I mean, there I would reflect upon, from remarks of the honourable Minister of Agriculture (Mr. Enns), that there is

imbedded in our very language prejudice, Mr. Acting Speaker, against left-handed people, because you know what the Latin word for left is? It is sinister, and right hand is dexter, and so therefore we refer to somebody as dextrous, because that was right-handed, and sinister people are left-handed. I feel very personally about this because, of course, I am a left-handed person.

**An Honourable Member:** And you are forever a suspect.

**Mr. Radcliffe:** Well, in ancient times that would have—

**The Acting Speaker (Mr. McAlpine):** Order, please. I would remind the honourable minister that he is to be addressing his remarks to Bill 25, The Proceeds of Crime Registration Act, and I would ask him to refrain from irrelevance.

The honourable Minister of Consumer and Corporate Affairs, to continue with your remarks.

**Mr. Radcliffe:** Mr. Acting Speaker, I stand corrected, and I will confine my remarks to the bill at hand.

The federal government in their wisdom has enacted a new section of the Criminal Code, Part 12-2, whereby the Attorney General may make application to a judge for a restraint order to prohibit any person from disposing or otherwise dealing with property that was obtained from the proceeds of crime. One of the goals that we are trying to achieve there is if some person perhaps is a drug dealer or is living off the avails of prostitution and lives in the lap of luxury and has yachts and residences, that the Crown has the opportunity—[interjection] I hear some ribald levity coming from benches opposite, Mr. Acting Speaker, but I will overlook their—[interjection]

In any event, what we are doing here once more is amending The Personal Property Security Act, Mr. Acting Speaker, to enable the Crown to register this claim against the property in question if it is suspected on reasonable grounds that there is personal property which is the results and proceeds of crime.

Now, I would reflect once again that this is necessary, because under the present status of the act,

any rights which are nonproprietary, in other words only possessory, cannot be registered against the act, against Personal Property. So therefore it takes a change in the legislation in order to enable the Crown to register what is in fact a possessory claim against Personal Property. All this will be, as well, still only a notification and an order of restraint. It will take an order of the court, upon due inquiry and adjudication by a competent magistrate—and I use the word “magistrate” in the broader sense—to determine whether in fact these goods were the proceeds of crime and therefore that they should fall forfeit to the Crown.

But what we want to do is to enhance the striking power of the arm of the law in order that our citizens be given further protection and not fall victim to the unfortunate—some of our misguided citizenry—who are trying to profit by the avails of crime.

So I would really recommend this act, this reform to your attention and to that of my colleagues. This is in fact a very short reform of The Personal Property Security Act, and I would thank you, Mr. Acting Speaker, and my colleagues opposite for this opportunity to put these comments on the record today. I would look forward to the orderly progression and passage of this bill at the earliest opportunity in order that we can offer further protection to the good citizens of Manitoba.

**Mr. Daryl Reid (Transcona):** I move, seconded by the member for Broadway (Mr. Santos), that debate be adjourned.

**Motion agreed to.**

#### Point of Order

**Mr. Gary Kowalski (The Maples):** On a point of order, Mr. Acting Speaker, on Monday we will be back here in session. One of the members of this Chamber has been nominated to be a federal candidate in the upcoming election, and if that election is called on the weekend, I would like some clarification. Would it be in order for that member to speak, and what is he allowed to do as a federal candidate in a federal election in these Chambers?

**The Acting Speaker (Mr. McAlpine):** In response to the honourable member for The Maples, I will take that under advisement, and a report will be made to the House.

\* \* \*

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

# LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, April 25, 1997

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