



Third Session - Thirty-Sixth Legislature

of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

*Published under the  
authority of  
The Honourable Louise M. Dacquay  
Speaker*



Vol. XLVII No. 36 - 1:30 p.m., Tuesday, April 29, 1997

ISSN 0542-5492

**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.
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.
Vacant	Portage la Prairie	

## LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, April 29, 1997

**The House met at 1:30 p.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

#### Speaker's Statement

**Mr. Deputy Speaker:** Prior to Routine Proceedings, I have a statement for the House. I must inform the House that Brian Pallister, the honourable member for Portage la Prairie, has resigned his seat in the House effective April 28, 1997. I am, therefore, tabling his resignation and my letter to the Lieutenant Governor in Council advising of the vacancy thus created in the membership of the House.

### READING AND RECEIVING PETITIONS

#### Mobile Screening Unit for Mammograms

**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?

**An Honourable Member:** Yes.

**Mr. Deputy Speaker:** Yes. The Clerk will read.

**Mr. Clerk (William Remnant):** The petition of the undersigned citizens of the province of Manitoba, humbly sheweth that:

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 HUMBLY 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 seem to not have sound.

**Mr. Deputy Speaker:** Let me check that mike.

**Mr. Cummings:** My report to the House will be very brief, followed by more detailed information from my colleague the Minister of Government Services (Mr. Pitura). I wanted to report to the House today that there appears to be stabilization of the levels at Emerson, Letellier and St. Jean, at or near the forecasted peak.

I would also like to report that the reading today at James Avenue in Winnipeg is at 22.1 and that the levels above the floodway are at 769.43 today. More detailed information will be supplied at our regular three o'clock press conference.

\*(1335)

**Hon. Frank Pitura (Minister of Government Services):** The Red River in the north end of the basin is continuing to rise and extending its flood waters in southern Manitoba. The additional height of water is flooding a much larger area than the 1979 and 1996 floods. The height and extent of the flooding is causing some problems for all local authorities in the Red River Valley.

We were saddened to hear of the villages of Aubigny and Ste. Agathe being flooded, both on the 27th. Ste. Agathe was reported by the Canadian Armed Forces at 2:45 a.m. last night as being flooded out. I am happy to report that all essential staff that were on duty at the time were evacuated safely out of the community, and I think that on behalf of all members our thoughts and our prayers are with that community today.

The province ordered the mandatory evacuation of all properties at risk by 8 p.m., April 25, 1997. That now mandatory evacuation is in effect for the R.M. of

Macdonald, northern section and the part of St. Norbert that is protected by the Brunkild dike or the Z-dike as it is sometimes called. That evacuation order has to be completed by 8 p.m. tonight, and I guess I would report that I am one of those evacuees. We are now at no fixed address in the city.

In the area of agriculture, Manitoba Agriculture and their Prairie Farm Rehabilitation Administration, PFRA, are co-ordinating the relocation of livestock from farms that are now at risk from flooding in the R.M. of Macdonald, and they have a full list of all of the operators within the area, the flood zone area, as to what types of livestock they have and how many head they have and contingency plans with regard to evacuation.

Canada Post is adjusting postal deliveries to accommodate the needs of evacuees and since the flooding is in my backyard, I have had a chance to talk to a number of evacuees who are now receiving their mail at the central Canada Post office downtown. What happens in their case is that the postal clerk from Morris is now manning the long series of tables in the Canada Post office and looking after their mail needs because he knows the people that are there.

Natural Resources has 168 persons deployed in the flood-threatened communities and essential personnel in the ring-dike communities, primarily Natural Resources officers. Natural Resources in conjunction with the local authorities will always be determining the evacuation requirements of that community.

In the area of emergency social services, the provincial emergency social services have opened their emergency operation centre and have established reception facilities in Altona, Steinbach, Winnipeg and St. Malo. As of April 27, approximately 12,000 evacuees were entered into the Red Cross data system and 5,500 were provided accommodation, and of course this is a moving thing that is happening and changing every hour.

Also, with emergency health services, they have co-ordinated the evacuation of personal care homes and hospitals in the following flood areas of Emerson, Morris, St. Adolphe, St. Pierre and Winnipeg as well as in Rosenort.

Under the area of Labour, Workplace Safety and Health is presently responding to questions from the private sector on chemical storage and safety if they must evacuate. Mechanical and Engineering are handling issues related to hydro, gas, propane, electrical, boilers, pressure vessels and elevators in flood areas, and so the Office of the Fire Commissioner has deployed personnel in southern Manitoba to assist local fire departments on a 24-hour-a-day, seven-day-a-week basis.

\* (1340)

The department is developing re-entry plans that will address safety, health, electrical, gas and boiler issues. Upon notification by Natural Resources, MTS will terminate telecommunication services in flooded communities following evacuation of essential service personnel from flooded areas. The Letellier, prefix 737, and Rosenort, prefix 746 exchanges, are to be shut down at 10 a.m., April 29 to protect system equipment and safety of persons working in the area of the buildings.

The Manitoba Emergency Management Organization is continuing to staff the provincial emergency co-ordination centre on a 24-hour, seven-day-a-week basis. A lot of those staff that are working there are really going above and beyond the call of duty, and a lot of them desperately need some rest, but they keep going for their shift right on time. Meanwhile, community advisers are in the flood area providing advice and assistance to local authorities. Now the development of a re-entry committee is underway to ensure the safety of persons returning to areas which have been flooded, and this committee will be comprised of representatives from MEMO, Agriculture, Environment, Health, Family Services, Highways and Transportation, Manitoba Hydro, Manitoba Telecommunications System, Centra Gas, Royal Canadian Mounted Police, the representatives of the municipality under consideration for re-entry, as well as other departments and agencies as required. An example is Education.

There is also a contingency planning team consisting of representatives of the province, the City of Winnipeg and the Canadian Armed Forces that has been developed to prepare plans in the event of dike failures, and daily information on the conditions will be provided to local authorities of [inaudible] municipalities.

This is my update for today, Mr. Deputy Speaker.

**Mr. Stan Struthers (Dauphin):** To begin with, I want to wish the minister himself well with the diking plans that he has at his homestead. I want to point out though that there are a lot of people that are going to be living at the same address that he will be living at over the next several weeks, many people with no fixed address. The highest numbers of people, I am told, in the history of our province will be living at no fixed address all at one time, so I do wish the minister well in his plans to protect his own home. I also join with both the ministers in making it clear that our hearts are with the people who were evacuated from Ste. Agathe and Aubigny who eventually saw their towns inundated with the waters of the Red River in the morning hours of this morning.

I also want to be quick to point out again, as we have so many times in this House, the ingenuity and the fortitude of the people of the province of Manitoba who are working to contain the waters of the Red River and to minimize the amount of damage to people and to property over the course of this flood. An example comes to mind on the Z-dike that is being built where school buses and old vehicles have been moved in to provide a barrier to the wave action that is taking place. I think that is the kind of co-operative ingenuity and the kind of thinking that is going to help Manitobans as we prepare ourselves as the crest of the river moves ever northward.

Just with that, Mr. Deputy Speaker, I would like to thank the ministers for keeping us up to date and communicating the latest of the figures and the projections that they have and again pledge our co-operation in working towards helping the people of Manitoba affected by this flood.

\* (1345)

## INTRODUCTION OF BILLS

### **Bill 28—The Emergency Measures Amendment and Consequential Amendments Act**

**Hon. Frank Pitura (Minister of Government Services):** I move, seconded by the Minister of Urban Affairs (Mr. Reimer), that leave be given to introduce

Bill 28, The Emergency Measures Amendment and Consequential Amendments Act (Loi modifiant la Loi sur les mesures d'urgence et modifications corrélatives), and that the same be now received and read a first time.

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

**Motion agreed to.**

### Introduction of Guests

**Mr. Deputy Speaker:** Before we proceed, may I direct the attention of honourable members to the gallery where we have with us today from the Applied Linguistics Centre 12 English as a Second Language visitors under the direction of Miss Greta Gibson. This group is located in the constituency of the honourable member for St. James (Ms. Mihychuk).

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

## ORAL QUESTION PERIOD

### Flooding

#### Disaster Assistance—Homes

**Mr. Gary Doer (Leader of the Opposition):** Mr. Deputy Speaker, I would wish the minister of Emergency Measures (Mr. Pitura) well. I would offer him a place to stay at my place, but I may be joining him very shortly. Our Deputy Leader, the member for Wolseley (Ms. Friesen), is offering a room to the minister if he needs that kind of accommodation. [interjection] Well, I think it was a nice gesture, and of course it is consistent with all of our co-operation here in this House.

**An Honourable Member:** Why did she not offer it to you then?

**Mr. Doer:** There is a difference between four people and one person, but perhaps I will explain that later to the Deputy Premier. I thank him for his usual nonpartisan and friendly advice.

Mr. Deputy Speaker, I have a very serious question. As the minister has pointed out, evacuations are at an unprecedented level here in the province of Manitoba. Thousands of people, over 20,000 people, have either been evacuated or have been given notice to evacuate, and that continues, as the minister has indicated, on an hourly basis.

Regrettably in Ste. Agathe and Aubigny, Manitoba, we have had water through those communities and disasters that have been created with the flooding situation. These people join other members of Manitoba, other people in our province that have suffered loss of their homes on their farmsteads as this flood continues through our province.

Mr. Deputy Speaker, a lot of people are asking us a very simple question. They have heard the debate about disaster coverage and flood coverage between the governments. They would like to know, very simply: What is the disaster assistance available to people who have lost their homes to this flood?

**Hon. Frank Pitura (Minister of Government Services):** Mr. Deputy Speaker, with regard to the disaster assistance program that the province has in co-operation with the federal government with regard to the cost-sharing of disasters, with the determination of how eligibility exists with the various people who have been subjected to disasters, this has always been and always will be a joint partnership between the federal and provincial governments. However, I would add that with regard to disasters, as far as our government is concerned, when a disaster occurs, each time we take a look at the kind of disaster, the extent of the disaster, before any kinds of decisions are made with respect to provincial policy that may or may not be changed or kept in place or whatever it may be.

So I think that overall in regard to the disaster that is occurring now, right now we are attempting to do everything we can to prevent the disaster from being widespread or more widespread with more communities subjected to flooding. That is the main issue that we have in front of us right now. In the future, once the flood event is over, at that point in time we will have a very close look at the whole disaster and the extent of the damages.

\* (1350)

**Mr. Doer:** I thank the minister for the answer to the question. We all agree that the priority must be, obviously, preventing disasters from taking place, but people have lost their homes. People have lost their possessions. People have lost their farm homes. People have lost their businesses. People want to know what these formulas and systems mean to them and their families as they try to rebuild their family life and their community life and try to make decisions in terms of what their future will be and how they will be dealt with by Disaster Assistance.

I would like to ask the minister: Are they reviewing the disaster assistance policy that is in place, the guidelines and funding formulas? I would like to ask the First Minister, because he has been here while these guidelines have been in place. Have they reviewed the existing guidelines, and what is the coverage for people that may lose their homes through these terrible disasters by floods?

**Hon. Gary Filmon (Premier):** I thank the Leader of the Opposition for his question. I think it would be incumbent upon us to always review the guidelines and to ensure that they make sense given the disasters that we are facing and the circumstances. I can tell the member that, although there is the cost-sharing formula that clicks in based on various circumstances of a major civil disaster—the first dollar per capita spread across the province, it is, I think, all municipal costs. The next one to three dollars is split between the province and the municipality. Then the federal government takes in from three to five, and then the federal government is 90 percent after that.

There are some conditions, of course. One is that if a person has their own insurance, that is the first cost. I should say if it is an insurable loss then that is to prevail. There is also the limitation of \$30,000 per individual claim, and I think that should be pointed out.

I am not certain—and perhaps the minister can confirm whether or not that is part of the federal disaster assistance program—whether those limitations as to insurable interests having to prevail and the \$30,000 limitation are part of the federal requirement,

but those are part of the conditions that are placed upon the evaluation of claims.

**Mr. Doer:** We respect the fact that insurance coverage would not allow for the disaster assistance but for people who do not have insurance, obviously, the disaster assistance formula is key. As the First Minister points out, there is a \$30,000 limit, and there is an up to 20 percent waiver that can be waived by the province in respect to homes to cover the share of disaster costs. Has the Province of Manitoba and the Premier looked at the whole issue of waiving the 20 percent deductible for this provision?

**Mr. Filmon:** Just two points, Mr. Deputy Speaker. One is that if a matter is insurable but a person chose not to take out insurance, that too is a limitation that they would have self-imposed on themselves in terms of that.

With respect to the second issue of whether or not the 20 percent cost-sharing would be waived, that is a long-standing formula, and it prevails in virtually all disaster assistance programs because there are deductibilities in virtually every form of insurance. In fact, if you pay for an insurance policy, there will be a deductible on that insurance policy, a co-insurance aspect to it.

To my knowledge, there is virtually no program that gives 100 percent compensation, and that has to do with property loss of all natures, and, indeed, crop insurance and every other type of insurance usually has a co-insurance factor in it and a deductibility factor. That 20 percent is the product of, I think, countless years of experience. Certainly, as in anything, we will review the results of this as to the fairness and the functioning of the system, but I think it is unlikely that under any circumstances there would not be some form of deductibility or co-insurance in a claim for disaster assistance.

\* (1355)

**Mr. Doer:** With a new question to the First Minister. We have been making inquiries to other provinces about this \$30,000 limit that is cost-shared with the federal government. We have been informed, subject to any confirmation that the government might have, that in the Saguenay region last year in Quebec the limit

was \$100,000 for homes, that in Alberta just recently the claims were \$100,000, that in British Columbia the guidelines are up to \$100,000, whereas in Manitoba the guideline is to the \$30,000 limit as indicated by the Premier.

It seems to us that it is only fair that Manitobans who suffer loss of home—and most homes cannot be covered by insurance for flood purposes—would be treated equally to other homeowners in other regions that suffer this same kind of disaster. Will the Premier review the \$30,000 limit and look at a formula that is equitable across Canada with other communities, if in fact our information is correct?

**Mr. Filmon:** Yes, Mr. Deputy Speaker, I think that is a very positive suggestion. I think, though, given that we would expect 90 percent of it to be paid by the federal government, we would have to be assured that this was cost-shareable under their system. I think it is a very positive suggestion, and I am more than happy to follow it up. It was our intention to do so from the discussions I have had with our officials in the course of this unfortunate set of circumstances.

**Mr. Doer:** Certainly, we would support an initiative like that. It is our understanding that the federal government has cost-shared at 90 percent the \$100,000 in the Saguenay region last summer. In fact, they had \$2,000 available to people almost immediately. They cost-shared in the Peace River area of Canada, and they have done so previously in the province of British Columbia.

#### **Disaster Assistance—Cleanup**

**Mr. Gary Doer (Leader of the Opposition):** A further question to the First Minister. The government has the authority, and, again, looking at the higher possibility in terms of fairness across Canada, the provincial government under their guideline assistance procedures has the authority to deal with cleanup and repair for an individual under disaster assistance, but that, of course, is a may be compensated for as opposed to a shall. In light of the horrific problems the flooding presents to a homeowner with the muck and materials that come into a farmhouse or to a home in a community, has the government looked at the issue of the discretion they have, and should not the word be

“shall” for the purposes of flood and disaster relief with those unfortunate homeowners?

**Hon. Gary Filmon (Premier):** All of that is a concern, of course, that we have been anticipating. I know that the minister has been in contact with the federal government with respect to creating some incentive for people leaving in place, where that is possible, dikes and seeding or sodding over them and creating permanent structures of them. Now that, of course, is not the case where you see, as the Leader of the Opposition and I did, houses that are ringed within a matter of a few feet of the dwelling itself with sandbags that literally block its entire view from the rest of the surrounding properties and so on. So there are going to be cleanup issues; there are going to be issues of devastation of yards and landscape and all those kinds of things.

There have been some creative suggestions coming in to us. In fact, one corporate leader has suggested that money be put together by corporations to fund, in essence, a summer employment initiative for students to participate in cleanup that would be funded by this corporate fund, and that, if the province were willing to manage it, they would see this as being something that could contribute to it. There would be lots of students coming out of university shortly and ultimately out of our public school system who would be looking for employment and could very easily be employed in the cleanup to assist many thousands of individuals who would have difficulty in that kind of activity—a lot of creative suggestions and all of them I think worthy of our consideration. Certainly, we are aware of the added burden of cleanup when the waters subside, as they inevitably will.

#### **Disaster Assistance—GST**

**Mr. Gary Doer (Leader of the Opposition):** We note that the guidelines in place for the disaster financial assistance policy is a little bit dated, both in terms of limits and other issues, but one of the areas that is not available for compensation for purposes of homes and renovations and cleanup is the whole area of the GST. The GST, of course, was not in this country until just a few years ago, notwithstanding all the promises—and dare I say it; we do not want to be partisan here—about scrapping the GST. I do not want to get into that, so I

will not mention it anymore, but the whole issue of the GST could be a large burden on people.

Will the Premier look at the guidelines on the disaster financial assistance and add the unfortunate update of the GST for compensation purposes?

\* (1400)

**Hon. Gary Filmon (Premier):** We will look at all of the burdens that are put on people, including taxation and other issues, and look at ways in which we can try and be helpful in relieving burdens. Obviously, some of those things are not within our direct control, but there have been expressions of great co-operation issued to us by people in the course of even the last few days from other levels of government. So we will take a look at how far that co-operation extends.

I note under the disaster financial assistance program that cleanup and debris removal, including allowances for persons undertaking their own cleanup, is an allowable cost, so we want to look at all possibilities of this.

### **Flooding Disaster Assistance—Livestock**

**Ms. Rosann Wowchuk (Swan River):** Mr. Deputy Speaker, the losses faced by people in the Red River Valley are very serious, and many have lost their homes. Our hearts go out to those people.

Many are also at risk of losing their livelihoods, in particular those who are involved in the agriculture industry raising livestock, whether it be cattle, hogs or poultry. Some livestock has been moved, and many farmers are still fighting to save their herds or flocks. The minister has said that we have to save property and lives first and deal with compensation later. However, these people have faced a dramatic loss and need to know some answers.

Can the minister responsible for disaster assistance indicate if there is compensation available for farmers who have had the misfortune of losing their livestock?

**Hon. Frank Pitura (Minister of Government Services):** With regard to the question of the

honourable member for Swan River, within the area of agriculture, the items that are covered as eligible costs are the loss of uninsurable harvested or stored crops, livestock fencing, farm machinery and trapping equipment.

At the present time, livestock is not covered under the program. With regard to beef cattle, most of the beef cattle can be insured. I am not aware within the parameters of the hogs or the poultry in regard to insurance, but it is certainly something that I think, as the Premier (Mr. Filmon) indicated earlier, is within the context of the entire disaster that we are going to have to take a look at and study.

**Ms. Wowchuk:** Mr. Deputy Speaker, I want to ask the minister, since the limit at the present time is \$30,000 per household and some people will lose their households and they will lose their income as well, is there a \$30,000 cap on the amount that is available for the household, or is the agriculture component rolled into that \$30,000 as well, because if it is rolled into that \$30,000 as well, that is not nearly adequate for what some of the farmers are losing in this disaster.

**Mr. Pitura:** Mr. Deputy Speaker, the specifics to the question which the member asks, I am sorry I do not have an answer for you, but I would be prepared to find the information for you and supply you with that information as soon as possible.

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

**Ms. Wowchuk:** Since it is our understanding that in other provinces when they have faced disasters such as this livestock has been covered and has been considered part of the losses, will the minister responsible ensure that Manitobans are not short-changed in this issue and that when they are negotiating with the federal government we ensure that there is compensation for livestock operators, whether it be poultry or hogs or whatever component of livestock, and they will not be treated differently from other livestock producers in other provinces?

**Mr. Pitura:** Mr. Deputy Speaker, of course, in all of our discussions with the federal government, we certainly hope that we will be able to have an open

dialogue with the federal government with regard to disaster assistance and the kinds of cost-sharing that can take place between both levels of government.

Certainly, the issue that the member raises will be one of the issues that we bring up in our discussions with the federal government with regard to cost-sharing and with regard to compensation. We will be pursuing that very actively.

### **Flooding Disaster Assistance—Small Businesses**

**Mr. Tim Sale (Crescentwood):** Mr. Deputy Speaker, we have learned today that the limit on one claim is \$30,000 for businesses or for homes that are lost or for livestock, for example.

I am wondering, Mr. Deputy Speaker, if the minister responsible could indicate whether the intention of the government is also to significantly raise that \$30,000 limit. As a small-business person would know, there are many situations in Manitoba that cannot be covered with flood insurance simply because they are in flood-prone areas, and \$30,000 will do virtually nothing to help small businesses re-establish.

So will this limit also be raised to a limit more consistent with Quebec's, Alberta's and British Columbia's levels?

**Hon. Frank Pitura (Minister of Government Services):** Mr. Deputy Speaker, with regard to claims for eligible costs of disaster incurred by small businesses, that is an area of discussion I think that has to take place with the federal government because we get into the realm there of eligibility. In the disaster assistance policy there is a pretty specific definition for a small business and its eligibility and those businesses that are not. So, in regard to any discussions that we have, my staff are working right now to investigate some of the parameters that we have to discuss with the federal government with regard to eligibility of covering disaster costs by small businesses in Manitoba.

**Mr. Sale:** Mr. Deputy Speaker, could the minister indicate whether, in the situation of home businesses that are unincorporated businesses, the government will

recognize that the business is separate from the home and at least allow that a claim can be made for both the home and the contents and the costs of getting it back in operation and the unincorporated business which was carried on from that home or from those premises, which is also in many cases now a total loss and in many cases was not insurable?

**Mr. Pitura:** Mr. Deputy Speaker, in regard to the honourable member's question, I think that is something that we would certainly take a very close look at in regard to any kind of further investigation of the whole essence of the \$30,000 limit because there are the varying definitions. Like, since the inception of the policy, of course, many things have changed over a number of years. For example, small business is often an incorporated business, and in terms of eligibility, corporations are deemed to be not eligible. What we have out in rural Manitoba is a lot of family farm corporations that have been subjected to disaster. So, within the realm of the definition of eligibility, those kinds of issues have to be discussed as well as the issue that the honourable member raised.

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

\* (1410)

**Mr. Sale:** Mr. Deputy Speaker, to the same minister: Given that the federal government officials whom we contacted indicated that the level of assistance was a provincial decision and was not something that had to be negotiated with the federal government and cited as evidence the fact that different levels exist in different provinces, the federal government pays 90 percent over their floor regardless of what the provincial level is, will the minister commit to the House today to raise that lower limit to at least the level, at least the level of Alberta, B.C. and Quebec in the Saguenay case and get the federal government quickly onside with the necessary changes to deal with the incredible scale of the loss in Manitoba?

**Mr. Pitura:** The honourable member brings up a good point with regard to the federal government indicating to the province that we can basically have any kind of assistance levels that we wish to have. However, one thing we have to bear in mind as well, Mr. Deputy

Speaker, is the fact that, while Ottawa is saying that on the one hand, Ottawa has to come through with an agreement to cost-share on the other hand. So any kind of move that we make with regard to assistance, we want to make sure that Ottawa is a full participating partner as they are right now in many of the programs that we have. We want to have that assurance from the provincial standpoint that Ottawa will participate. It is easy to say just jump in and do all the things that you want to do in terms of disaster assistance, but Ottawa may not just come along. So we want to make sure that our federal partner is with us all the way.

### **Flooding Relocation—Education Plans**

**Mr. Kevin Lamoureux (Inkster):** Mr. Deputy Speaker, my question is for the Minister of Education.

What we have seen through the evacuations of thousands of people in rural Manitoba is that a lot of children are in fact being displaced, having to leave the school. It is important that their education continue on.

My question to the Minister of Education is: What role is the Minister of Education and her department playing in ensuring that the kids that are being displaced as a result of the flood are in fact going to be able to continue their education?

**Hon. Linda McIntosh (Minister of Education and Training):** I thank my friend for that question. We have now several thousand students who are out of their home schools and into other settings. Many are in a transition stage right now and have not yet registered their new abode.

What we have been doing is two things for students in order to ensure the continuation of learning. One is that some teachers in some locations have prepared for their students' home-study sessions, home-study programs, which when they are relocated the students will be notifying their local school divisions through temporary phone numbers that have been set up as to where they are located. Teachers will stay in touch with them via telephone to ensure their lessons continue. Other students will be registering in neighbourhood schools where they are relocating. I wish to thank most sincerely all schools and superintendents who have indicated that they will bring

the children in and make them part of the school in terms of not just the learning but the extracurricular activities, et cetera, and we are extremely grateful for that.

As students register in neighbouring divisions, the schools will be notifying the area superintendents. We are trying as much as we can to ensure that the local control is still there even though the students are dispersed, because it is the local authorities who know their students best.

I can continue with the next answer, Mr. Deputy Speaker, if I am out of time.

**Mr. Lamoureux:** Mr. Deputy Speaker, I would seek confirmation then from the Minister of Education on whether the school divisions, that are accepting the children who are coming in from the flooded-out areas or evacuated areas, are going to be compensated in any fashion for the additional numbers of students going in.

**Mrs. McIntosh:** It may be possible—and we do not have the latest figures in yet that would tell us exactly where all of the students yet are—to have teachers redeployed with students. So I think that question is a good question, but I think it is a premature question to ask. We have students, as I say, many in home schools. We have also indicated to schools, as has the Manitoba Association of School Trustees in conjunction with us saying to schools, see this not as an obligatory thing but as an opportunity to be of service to other people. I think that is the attitude with which almost 100 percent of the field is approaching this.

We are asking students—and this may be a good opportunity to have this word further emphasized for the public—that students who have not yet indicated to their home division where they have located—there is a series of temporary phone numbers for evacuated divisions that are published with our flood updates. We are asking parents, if they have not yet done that, once they have their location, to let the home divisions know where they are in addition to having the school divisions do it, because not all students will be in school. They will be home schooling.

**Mr. Lamoureux:** My final supplementary question is to ask whether or not the minister or her department has

looked at the impact of the evacuation on the standards test that the government puts out on an annual basis. Is the government looking at any sort of exemptions? Is the government still planning on going ahead in the areas where it has been flooded out?

**Mrs. McIntosh:** Again, I thank my friend for a very good question. We have two aspects to that. One is the continuation of learning and the other is the exam policy.

Mr. Deputy Speaker, I really think this is a serious matter, and I object to the member for Elmwood doing what he just did.

At any rate, as far as the learning experience is concerned, there will be disruption to learning; that is unavoidable. We are trying to continue it as best we can in a variety of ways. We are saying to divisions: When students return there are a variety of vehicles that they can use locally with appropriate parental involvement to try to catch the students up, so to speak.

As far as exams are concerned, we are not cancelling the provincial-wide exams, because there are many parts of the province that are free to write. We have not yet reached the figure, for example, of students who are unable to write the math exam. What we do have in place, of course, the model for June that was used for the math exams has already been announced for the June exams. As well, we have an exemption policy that is part of the government exam policy, and that exemption policy will be applied very sensitively, very generously and with a lot of compassion. We expect to see some schools wholly exempt as the schools and parents together decide what they feel they need to recommend to the government. So we are still working on that.

### **Flooding Ste. Agathe**

**Mr. Stan Struthers (Dauphin):** Mr. Deputy Speaker, my question is for the Minister of Natural Resources. Early this morning we learned that water had come into the town of Ste. Agathe over a railroad track on the west side of town. Residents had been told that the railway track would be high enough at those forecasted levels to provide some protection for their community.

I would like to ask the minister: Why was a railway line considered adequate to protect the town of Ste. Agathe? What ended up being the problem? Was it high waves or changes in forecasts that caused the problem for water to come up over the railways and flood the town?

**Hon. Glen Cummings (Minister of Natural Resources):** Yes, we were all saddened and disturbed to learn what happened in the community of Ste. Agathe this morning, but the Department of Natural Resources had on its own volition gone in and given levels to the community, indicated some suggestions that they thought would be appropriate in terms of dealing with the known level of water. This is a community that is not part of the ring-dike system where Natural Resources is responsible for the maintenance and operation of those dikes. We provided them with best advice, and they additionally hired consultants to work with them, so the member may believe he has the adequate information about what happened and what caused the failure, if in fact that is what occurred. We are waiting to receive more information before we make any comment on that. Certainly the level of water was still within the forecasted range, but there appears to have been problems in the structure that was being used as a wing.

\* (1420)

**Mr. Struthers:** I would like to ask the minister: What further steps would this government take to make sure this kind of scene does not repeat itself in the communities north of Ste. Agathe that are also depending on temporary dikes?

**Mr. Cummings:** Well, let us be careful in how we choose our words. The community of St. Adolphe is behind a larger, more significant dike, and of course it is not over until it is over, but it is a much older and more stable structure and was augmented by the Department of Natural Resources in co-operation with the community to the predicted levels in the same manner that the communities of Emerson, Letellier and St. Jean were given assistance, and Morris.

Particularly in Emerson and Morris, the work has been demonstrated to have met the appropriate challenge to this point and will continue to be monitored there very closely because as the high water

levels now appear to be approaching those first communities, then the long-term stability of the structure is now the critical factor.

We do believe that most of the dikes that have still not seen the total amount of high water closer to Winnipeg in fact were severely tested yesterday with the wind, and that should give a good indication of their stability.

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

**Mr. Struthers:** We are speaking of those towns that have temporary dikes.

The other report that we got out of the evacuation last night was that somebody did get minor injuries in the evacuation. Can the minister indicate whether the evacuation safety measures for remaining emergency personnel in these communities—can he tell the House how he will minimize those types of injuries?

**Mr. Cummings:** Mr. Deputy Speaker, that might be more appropriately answered by the Minister of Government Services (Mr. Pitura), but I would remind the House that the EMO organization working with the local authorities and in close co-operation with those both elected and Natural Resources, RCMP, army, all of the resources are being made available, and what we are assured is that working through the provincial into the local network that every precaution is being taken to minimize any risk to human life.

I think that we did see a demonstration last night that an abundance of caution is important. There have been some criticisms about reduction of personnel in communities. I believe that the co-operative approach that is being used is the best one in order to determine those, and seeing the minimum number of people that had to be removed on short notice last night, I think that adds some weight to the question of levels of necessary personnel.

#### **Labour-Market Training Federal-Provincial Agreement**

**Ms. Jean Friesen (Wolseley):** Mr. Deputy Speaker, the government on behalf of all Manitobans has recently signed an agreement with the federal

government to accept the devolution of much of the federal responsibility for labour force training and development.

When questions were asked on this side of the House about that agreement, we were met with what might charitably be called a stonewall. Yes, they were discussing it, but no, they were not going to tell anybody about it.

I want to ask the Minister of Education: Would she table the full agreement at the next meeting of the House, that is tomorrow, so that all Manitobans can know what has been agreed to on their behalf?

**Hon. Linda McIntosh (Minister of Education and Training):** I am a little surprised at the member feeling she does not know what is in the agreement. It was a big public announcement. The Premier (Mr. Filmon) and the Prime Minister had a signing. We had a signing here between the minister and senior officials. The details were published in the paper. The agreement was the cause of some fanfare, media coverage, and I am puzzled by the question.

I am pleased to share the details of the agreement with the member, but I would have thought by now she would already know them, given we had a press conference and a press release, Mr. Deputy Speaker.

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

#### **NONPOLITICAL STATEMENTS**

##### **Flooding—Volunteerism**

**Ms. Marianne Cerilli (Radisson):** Leave to make a nonpolitical statement?

**Mr. Deputy Speaker:** Does the honourable member for Radisson have leave to make a nonpolitical statement? [agreed]

**Ms. Cerilli:** Mr. Deputy Speaker, I realize that I have risen to speak a number of times lately about the situation of flooding in south Transcona, but I am pleased to rise today to say that the waters, unlike for a large part of the province, have subsided and receded in south Transcona.

(Mr. Gerry McAlpine, Acting Speaker, in the Chair)

My list of people to thank on behalf of the constituency of Radisson who live in south Transcona has grown. I want to extend thanks on behalf of the residents of south Transcona to the City of Winnipeg for dispatching many volunteers and trucks to help with sandbagging, a particular thanks to Mr. Gene Trudeau, the city employee who spent many long days sitting at the Esso station on Dugald Road to help dispatch the sandbags.

I also want to give a special thanks to the many students from schools, particularly those in the surrounding area in Transcona, Transcona Collegiate, John Gunn and Murdoch MacKay, as well as the Transcona scouts and cubs who made a tremendous effort to come out on short notice to help. I also want to give special thanks to the Transcona Legion who of their own volition organized a food truck to come out and provide food for the workers and volunteers with donations from Robin's Donuts, Tim Horton Donuts and Safeway, and also a thanks to Princess Auto and Wal-mart for donating gloves for all the workers who were sandbagging.

I want to thank Tom at Copa Cambana Pizza for their spirit in helping to feed the many volunteers with a donation of some pizza, as well as quickly making pizzas at our request two weekends ago. I also want to give a special thanks to Gerry at the Esso station on Dugald Road for allowing his parking lot and gas station to be turned into a flood protection centre. Indeed, there is still the need for many volunteers throughout the southern part of Manitoba to help with sandbagging, and I know the residents of south Transcona, now that their need has subsided, would be willing to help with sandbagging. They have sandbags that could now be transferred to other areas if people want to approach them individually.

With that, Mr. Acting Speaker, I would wish all those who are still experiencing flood waters in Manitoba all the best, and they have the support of those who have already benefited from the good spirit of volunteerism in Manitoba in south Transcona.

\* (1430)

### **Flooding—Arts Groups**

**Ms. Diane McGifford (Osborne):** Mr. Acting Speaker, do I have leave to make a nonpolitical statement?

**The Acting Speaker (Mr. McAlpine):** Does the honourable member for Osborne have leave for a nonpolitical statement? [agreed]

**Ms. McGifford:** I would like to thank and congratulate Winnipeg's cultural and arts facilities during this time of crisis. In the spirit of openness, they have opened their doors to the public, and they are, I think, in this way, like the rest of Manitoba, demonstrating the importance of co-operation and sharing during these times of anxiety and stress.

I want to point out that the Winnipeg Art Gallery is offering free admission for all flood evacuees, and this is particularly laudable at a time when they have to move their collection because they are worried about damage. I presume, from sewage. This is also true of the Manitoba Museum, which is offering free admission for evacuees. I know the Winnipeg Public Library is offering cards or at least use of Winnipeg Public Library books and other resources during this time. I know that on Sunday the Winnipeg Philharmonic Choir opened their performance to the public, and that was free of charge. I am sure that I have missed one or two or maybe even more arts groups who are offering this as a public service. So I thank them and apologize for having missed them. I know too that there is one swimming pool, the name I cannot remember, which is offering free admission, showing us the importance I think of keeping a sense of humour during the flood.

I am sure that all members of the House join me in thanking these groups, and we hope too that the evacuees will be able to enjoy this opportunity and use their evacuation as a time to get to know Winnipeg's cultural life. Thank you.

### **ORDERS OF THE DAY**

#### **House Business**

**Hon. James McCrae (Government House Leader):** Mr. Acting Speaker, so that we can assist the

honourable Minister of Government Services (Mr. Pitura) in carrying out his responsibilities at this time, I am seeking the leave of the House to alter the Estimates sequence in the committee room as tabled on March 27 and subsequently altered by setting aside the Estimates of Government Services until a later date to be agreed upon between House leaders.

**The Acting Speaker (Mr. McAlpine):** The honourable government House leader is seeking leave of the House to alter the Estimates sequence in the committee room as tabled on March 27 and subsequently altered by setting aside the Estimates of Government Services to a later date to be agreed upon by the House leaders. Agreed? [agreed]

**Mr. McCrae:** On behalf of the minister and all those who hopefully will be assisted by he and his efforts, I say thank you to honourable members for that.

Mr. Acting Speaker, I would suggest that with respect to Thursday's sitting, we begin the day at 10 a.m. with Prayers and work until noon on bills, and at 1:30 proceed to Routine Proceedings followed by Oral Questions and whatever other proceedings take place at that time in accordance with the usual business of the House and followed then by Estimates review. I think this was something that the Clerk of the House raised with me in terms of what kind of a day we should have and some of the details, I think, especially referring to the issue of the prayer being the matter that begins the day and from that point as I have set out.

**The Acting Speaker (Mr. McAlpine):** Is that agreed? [agreed]

**Mr. McCrae:** Mr. Acting Speaker, I move, seconded by the honourable Minister of Justice (Mr. Toews), that Mr. Speaker do now leave the Chair and the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

I did it without my Order Paper, too.

**Hon. Vic Toews (Minister of Justice and Attorney General):** Mr. Acting Speaker—

**The Acting Speaker (Mr. McAlpine):** Order, please.

**Mr. Toews:** I rise on a grievance.

**The Acting Speaker (Mr. McAlpine):** Order, please—the honourable House leader, seconded by—

**Mr. McCrae:** Seconded by the Deputy Premier (Mr. Downey).

**The Acting Speaker (Mr. McAlpine):** It has been moved by the government House Leader, seconded by the honourable Deputy Premier, that Madam Speaker now do leave the Chair and the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

#### Point of Order

**Mr. McCrae:** On a point of order, I worded that, that Mr. Speaker do now leave the Chair.

\* \* \*

**The Acting Speaker (Mr. McAlpine):** Agreed?

### MATTERS OF GRIEVANCE

#### Minister's Comments Gun Control Legislation

**Hon. Vic Toews (Minister of Justice and Attorney General):** I rise on a grievance, Mr. Acting Speaker.

I am raising this grievance in respect of an issue that was raised in the House yesterday, brought by the member for Inkster (Mr. Lamoureux) and supported by the member for Broadway (Mr. Santos), that the Attorney General of Manitoba is not complying with his duty to enforce the law.

The provincial Liberals have stated that the registry system enacted under the Firearms Act should be administered and enforced by Manitoba provincial officials including myself as Attorney General. The provincial NDP, as represented by the member for Dauphin (Mr. Struthers) and the member for Broadway, has stated that the provincial government must enforce and administer the federal registry for firearms if it is

constitutional. [interjection] Mr. Acting Speaker, I hear members from the NDP saying that is right, if it is constitutional.

I would like to take this opportunity to respond to this matter that had been brought before this House yesterday. I am not surprised that my colleague the honourable member for Inkster (Mr. Lamoureux) raised this grievance as I understand the solidarity he has to show with his federal cousins in Ottawa. I believe, however wrong he is, he at least acts on principle. However, Mr. Acting Speaker, I note with interest the position of the New Democratic Party of Manitoba and the position that it is taking in this matter. As you know, the New Democratic Party under the leadership of the member for Concordia (Mr. Doer) has stated time and again that they oppose the federal Firearms Act as it relates to gun registration. Although the NDP and our government do not see eye to eye on many issues, this is one that we did—and I stress did—share a common view. Unlike the Liberals, who at least act on principles, however wrong, the NDP is simply acting out of political expediency with a view to trying to be on both sides of the issue, which, of course, is impossible to do.

Now, Mr. Acting Speaker, we have the member for Dauphin (Mr. Struthers) stating that I am advocating civil disobedience and indicating that the Attorney General of Manitoba is constitutionally obliged to enforce the registration system. I wish to make it clear that there is no constitutional requirement nor is there any statutory requirement for the provincial government to shoulder the federal government's responsibilities in this matter. I want to take this opportunity to clarify for members opposite and for the public the position our government takes on this matter, and I would add that this is not a new position. The former Attorney General, my colleague, the member for Fort Garry (Mrs. Vodrey), articulated time and time again Manitoba's position in this regard.

\* (1440)

I would like to clarify this matter for the media and others because, although I took great pains to explain Manitoba's position and reason for not administering and enforcing the registration system implemented by the legislation to the reporter for the Winnipeg Free

Press, I was disappointed to see that the article did not explain the reason for Manitoba exercising its statutory option to opt out of the administration and enforcement of this registration. Although I went to great lengths to point out the relevant statutory authority which permits the provincial government to do this, the reporter, for reasons of her own, chose not to accurately or even at all report in respect to that position. As I stated, our position in this respect is not a new one.

My predecessor, the member for Fort Garry (Mrs. Vodrey), articulated Manitoba's position regarding the registration scheme that the federal government was proposing under the Firearms Act. I would like to table a letter that the member for Fort Garry wrote to the federal Minister of Justice, and in respect of that particular letter back in September of 1996, the member for Fort Garry, then the Attorney General, outlined our position. We stated in our correspondence, and the letter will go on: “. . . that we will continue to meet our responsibility to enforce the Criminal Code, including all firearm-related offences under that statute.”

We also indicated that we had serious misgivings about the federal government's intention to implement the statutory, mandatory universal firearms registration and we made our position very, very clear. [interjection]

**The Acting Speaker (Mr. McAlpine):** Order, please. Can I remind the House that this is a very serious matter, and I think that the honourable Minister of Justice is owed the courtesy of putting his remarks on the record without interruption from members of the Chamber. If you want to carry on any discussion, please do so in the loge or outside the Chamber. Thank you.

**Mr. Toews:** Having taken the position that registration would not reduce crime, we indicated that, under the legislation, which clearly contemplates that either the federal legislators, that is the federal Parliament, the federal government or the provincial government, if it chooses to exercise its option, may administer that legislation. There is no statutory requirement nor is there a constitutional requirement for us to enforce that legislation.

Now the NDP have said, if it is constitutional, we will exercise that option and we will enforce that legislation. I want to say why we as a government have said we will not exercise that option to enforce the registry system. As important as Bill C-68 is as an issue, it is simply a symptom of a much greater problem, and our position on the issue of gun registration was made very clear and straightforward from the earliest time that we became acquainted with its provisions. We support measures that are anticrime and we asked the Government of Canada to consider our views as this legislation was developed.

In our opinion, the federal government has taken a wrong approach to confronting the real issue before the Canadian public, that of fighting crime. We believe that it is essential to deter the criminal use of all weapons, not just firearms. We believe that it is not the average, responsible gun owner that threatens the safety of our communities. There is also an economic benefit for our communities for the careful and responsible pursuits of firearm owners. The annual hunting season, for example, provides the basis for serious and well-documented economic gains in many areas across Canada, in many areas of Manitoba. In fact, during the hunting season, I note with interest one motel in Dauphin that puts out a sign, "Welcome Hunters."

The economic benefits to a community such as the rural community of Dauphin are many. This new firearms registry system will destroy much of that economic activity by discouraging our citizens from the lawful and legitimate pursuit of hunting. We say the real threat to public safety derives from those individuals who have such a disregard for the laws of Canada that they deliberately choose to pursue criminal activities. My predecessor, the former Attorney General, wrote the federal government and put forward our position to expand Section 85 of the Criminal Code to include all weapons in the commission of a crime. Section 85 instructs the court to impose a mandatory term for the use of a firearm in a crime. This is in addition to the sentence for the actual commission of the crime. We support legislation creating mandatory penalties for the use of any weapon in the commission of a crime.

I want to add, Mr. Acting Speaker, my priorities as a legislator in this body are health, education, social

services, and public safety. Resources are scarce, and we do not want to tie up law enforcement resources in unnecessary and ineffective administrative duties. Chief Cassels' response to the Manitoba position in this regard is rather interesting. The chief, whom I have the utmost respect for as a police officer, has indicated that the province's position of not exercising its option of enforcing the registration is a foolish one. The chief neglects to understand—and I appreciate he is not an elected official—the implications of this legislation to the taxpayers of Manitoba if we choose, as the NDP have said we should, to administer and enforce this legislation. He neglects to understand that the federal government specified in the legislation that the provinces have the ability to opt out of the administration and enforcement of this act.

I took this act to the reporter, and I showed her the act, and I said we are simply exercising an option that the federal parliament gave to us. It says the provincial minister means, in respect of a province, a minister who has been designated by the Lieutenant Governor in Council, and in those provinces where there is no designation, then the federal minister. Clearly the responsibility falls with the federal minister if there is no exercise of the option by the Lieutenant Governor.

Another very curious section, quite unusual in one which should be enforced by the provincial Attorney General, Section 116: "Any proceedings in respect of an offense under this act may be commenced at the instance of the Government of Canada and conducted by or on behalf of that government."

It is clear where the responsibility lies for the prosecution, the enforcement, and it is clear where the option is that the provincial government is not required to enforce this. Yet I had members in this House standing up saying that we were to exercise our option, members from the NDP, members from the Liberals, saying we were to exercise our option and enforce and prosecute.

Well, let me emphasize, there is no constitutional requirement to do that, and there is no statutory requirement for the province to expend millions of dollars on a registry system. We will lawfully exercise our option not to administer and enforce this legislation, and the federal government will bear the

responsibility of administering and enforcing this registry system.

\* (1450)

This is not a constitutional issue. This is not a statutory issue, and I am ashamed that the member for Dauphin (Mr. Struthers) would say that they would enforce this legislation. At least on this issue he could have stood with us, but the NDP, along with the member for Broadway (Mr. Santos), has chosen another route. They have followed the federal Liberals down a very dangerous path. This is no different, this situation, no different than the way that the federal government administers and enforces the Food and Drugs Act, the Narcotic Control Act, the customs and excise act.

Those are all areas in which they have exercised criminal statutory authority. There is no requirement on the province to exercise administration of those acts or prosecutions under those acts. I know from time to time that the province does, in fact, enforce the Narcotic Control Act on a consensual basis. As a provincial prosecutor at one time, in fact, I appeared in court to take guilty pleas before a judge.

So here, the parties opposite, the Liberals on principle, the NDP on political expediency, have decided to enforce legislation that will cost the provincial government millions of dollars. I have indicated where my priorities are. My priorities are in health, education, social services and putting police officers on the street where they will, in fact, affect crime and change. If we are to spend money on reducing crime, let us not do it by sending our hunters and our farmers to jail, which is, in fact, what this Liberal bill is doing.

I am disappointed that the comments of the member for Dauphin (Mr. Struthers) would support putting our hunters and our farmers, law-abiding citizens, in jail, and, you know, Mr. Acting Speaker, they ask me to exercise the option that we have under the legislation to continue in that direction, and I say that is wrong. This is a federal bill; this is a federal responsibility and they have given us the option, and we have declined that option. So for members opposite to sit and accuse me of a dereliction of duty and not following the law is

wrong when, in fact, they are not even familiar with the law; they do not even understand the law.

The new firearms legislation is indicative of a much more serious problem, and the serious problem, I say to you, Mr. Acting Speaker, is the issue of co-operative federalism. We acknowledge governments must co-operate. This very serious situation that we have outside of this House today in the province of Manitoba with flooding is an exact situation where it demonstrates how governments must act together in implementing legislation and policy.

Yet the Parliament of Canada, in the areas of criminal law, enacts legislation without consulting the provinces and wrongheadedly and blindly, yes, admittedly on principle, proceeds to enact legislation. An example of this is a huge problem with our Young Offenders Act, and I raised this very specific issue with Justice Minister Rock. I said it is wrong that this legislation, the Young Offenders Act, cuts off immunity from prosecution anyone under the age of 12 years, so that the resources of the court, even if a judge thought it was appropriate, cannot be brought to bear on that child if it is necessary. We advocate that that discretion must be given to the judiciary in order for them to effect appropriate justice in those cases where it is needed. So the federal government sets policy direction with little or no consultation with the provinces and then says to us you enforce it.

Bill C-41, conditional sentences, the aim of this bill we opposed because it was bad legislation. There are many good policy aspects to it, but the legislation was bad. We opposed it and we told the federal government, and we said you are creating a danger out there. It was perceived as simply being a way for white-collar criminals who allegedly do not create a difficulty for our community—and I think there can be some discussion on that—to not have to serve their time in jail.

Well, in fact, Mr. Acting Speaker, it is not simply white-collar criminals who get the benefit of this. It is drug dealers and sex offenders and dangerous people who should in many cases be behind bars and, again, no consultation with the provinces. Yet the responsibility, which we have accepted because it is mandatory, goes on us to fulfill our duty.

But Bill C-68 is not that type of a bill. If we accepted the option with the firearms legislation and enforced this registration system, we will inherit all the problems that will occur in the administration and enforcement of this legislation. Regulations which specify that subsistence hunters will be exempt from the fees but not from the regulation will be basically impossible to enforce. We would have to devote legislation, manpower and money. I say let the federal government weigh its resources in enforcing the regulations that are going to be next to impossible to deal with.

With due respect to Chief Cassels, whom I respect as the police chief of Winnipeg, with due respect to the Liberals, who are acting on principle, but with shame on the NDP, who are simply acting out of political expediency, we would rather put our scarce resources into health, education and social services. Others may wish to contribute to a larger, more costly bureaucracy in Ottawa. The provincial NDP and the provincial Liberals may have that as their priority. We do not. We will not exercise our option to enforce in accordance with the statute, even though the member for Dauphin (Mr. Struthers) has indicated that if it was constitutional, they would exercise their option, and they would enforce the legislation. They are wrong and it would cause much damage to the people of Manitoba.

So I would ask the members of the NDP to reconsider this folly and to ensure that our resources are put into the appropriate circumstances and programs. Thank you very much, Mr. Deputy Speaker.

#### **Minister's Comments Gun Control Legislation**

**Mr. Steve Ashton (Opposition House Leader):** Mr. Acting Speaker, I just want to say I find it amazing that right in the middle of one of the worst crises we have found in Manitoba that we find this Minister of Justice (Mr. Toews) do something that is absolutely unprecedented in the House, and that is for a minister of the Crown to get up on a grievance. It is interesting because traditionally grievances are opportunities for members of this House to put on the record some concern involving the government. Now, I do not know if the minister is aware of that, but I find it absolutely amazing—

\* (1500)

**The Acting Speaker (Mr. McAlpine):** Order, please.

**Mr. Ashton:** I think perhaps coincidentally—

**The Acting Speaker (Mr. McAlpine):** Order, please. Is the honourable member for Thompson on a grievance?

**Mr. Ashton:** Yes, Mr. Acting Speaker.

**The Acting Speaker (Mr. McAlpine):** Okay.

**Mr. Ashton:** I find it absolutely amazing and of course not all that coincidental that this is the second day of the federal election campaign. Well, for the minister to stand in this House and talk about political anything involving any issue when indeed he is rising on day two of the federal election is absolutely unacceptable.

#### **Point of Order**

**Mr. Toews:** Mr. Acting Speaker, I rose in response to a grievance that was put in this House yesterday, and there was a request that I respond to it to put our position on the record. I did so as quickly as possible, and I want you to admonish the member for Thompson to suggest that I have done anything improper in coming back to the House and indicating in fact the response that we have to the member for Inkster (Mr. Lamoureux).

I think the Chair should admonish the member for Thompson.

**The Acting Speaker (Mr. McAlpine):** The honourable minister does not have a point of order

\* \* \*

**The Acting Speaker (Mr. McAlpine):** The honourable member for Thompson, to continue.

**Mr. Ashton:** Thank you, Mr. Acting Speaker. For the edification of the minister, he can rise on a ministerial statement at any point in time. There are other mechanisms to put on the record his views, his opinions, his political philosophies, whatever view of the world the minister might have, but the role of grievances, which is tied in historically and in this House to the Supply provided by this House to the Crown, is to provide members of this House who are

not part of Executive Council the opportunity to speak on a grievance.

I have never seen a minister of the Crown rise on a grievance, and I say to the minister if he wants to quote back to us any legislation with any certainty and have us believe his legal interpretations, he might want to start by interpreting the rules of the House properly and not abusing the rules of this House by rising as a minister of the Crown on a grievance.

I want to say, Mr. Acting Speaker, that I do find it passing strange that we are now into day two of the federal election campaign. I think it is unfortunate in this House that the minister himself seems to wish to rewrite history. I know why he is sensitive about C-68. I want to say this on the record here. We know where the Liberals stood, most of them. Most of them voted in favour of C-68. I believe David Iftody abstained. There were a few Liberals who were mysteriously absent on the day of the vote, including my M.P.—at least on one of them—in Churchill.

But, you know, it is interesting. The NDP voted eight against C-68, one in favour. Unlike the Liberals, by the way, the federal NDP caucus did not kick the one person out that voted the other way. We had respect for that. Now Reform—I love the Reform Party, by the way, because, you know, they like to play this real tough. Now they are going around—I got a leaflet the other day from the Reform Justice critic saying how they would repeal C-68. Well, what is interesting is, what happened when they came to a vote. There were three Reform M.P.s who voted for it, including the deputy leader.

But I want to say this to the Minister of Justice (Mr. Toews) before he leaves us, because which way did the Conservative Party vote? You know, Jean Charest, what did Jean Charest do on C-68? Was he in favour of it? Was he against it? He did not show up for the vote. That is this Conservative Party of principle, the same party that the minister opposite was lecturing us about. Talk about political expediency. You know, there is the old political story of the politician who is asked his position on an issue and said: Some of my friends are for it and some of my friends are against it, and I am with my friends. Well, I guess Jean Charest was with his friends on C-68.

Well, and I must say I get some amusement out of the Minister of Justice (Mr. Toews) driving out into rural Manitoba, northern Manitoba with his view of the world. I love this reference to hunting in Dauphin. It must be very interesting to the people in Dauphin to read this Hansard, that the Minister of Justice actually recognizes that hunting is a major activity, including for tourism, in Dauphin. That is no big news out in rural Manitoba, but I would say coming from northern Manitoba, and this is news to the minister. People can see through politicians posturing at election time. This minister now gets up on day two of the federal election campaign and all of a sudden has a newfound interest in C-68. Come on, Mr. Acting Speaker, we all know what is going on. It is called a desperate attempt by the Conservative Party to correct what Jean Charest did, which he did not even have the guts to vote on C-68, did not even have the guts.

Well, I say, Mr. Acting Speaker, and I say this to the Minister of Justice as well. If you want to deal with C-68, and by the way, their key issue is the registration. There are other elements of the bill that I think everybody supports, and I think that is the unfortunate part about this debate. In terms of C-68, there is a difference. I know the Liberals are very clearly provincially in favour of the registration.

**An Honourable Member:** That is an open book.

**Mr. Ashton:** Well, it was an open book, but I do not think there is any dissension in the current Liberal caucus on that, nor with the previous leader. I am not trying to say that there were not Liberals who maybe were on the other side. I know in my own constituency, the Liberal candidate, I remember one time when he got up and it was interesting. He was asked his position on C-68 and he said: Well, I do not own any guns and I am proud of that, and I am in favour of C-68. That was his position, and I respect that. I must say that it did not reflect a lot of people in the community.

I say, in terms of Bill C-68, I share a lot of the concerns that have been expressed, and a lot of people have, about the priorities of the federal government and Mr. Rock in particular, who I believe wanted to use this as a political symbol. But I also have problems, and the Attorney General is not contributing to this, and I said this in my own constituency. I see these signs up now:

Gun control is not crime control. I tell you I put on the record and I put this on the record in the provincial election, that I favour gun control. You know we already have gun control. We have a much better system than the Americans. I do not want to see the American system today, tomorrow or any time in the future. We have had handguns registered since the 1930s. There are restrictions on assault weapons. I mean, we all, I think, in Canada share the sense that that has much more merit than the wide-open system in the United States.

But that has never been the issue. The issue is in terms of the registration portion, and there are many people in northern Manitoba who said it did not make sense, particularly in rural and northern communities, and I say to the Minister of Justice that what he is doing, on this particular case, I think it is shameful. I mean, he is trying to turn this into an issue in the federal election, but he should be reminded of the fact that he is the provincial Attorney General. I do not care if he tries to cover up for Jean Charest. His first role should be as the Attorney General to the public of Manitoba. [interjection]

I say to the member for Lakeside (Mr. Enns), he knows of what I speak. [interjection]

Well, it is interesting now, and I appreciate the member for Lakeside is also jumping into this, you know, and I am sure that Jean Charest will remember him well for this effort. To the member for Lakeside, I ask the question: Why did his federal leader duck the vote? I would suggest that if Jean Charest travels to Dauphin, I say this to the member for Dauphin, someone should dress up in a chicken suit and go to his campaign meetings with Bill C-68 on it, because you knew where the Liberals stood, you know the Liberal M.P. voted for it. You knew where the NDP stood, eight out of nine voted against it, but you know, where were the progressive chickens?

I say I can understand why they had to get up in this House; they have got to talk real tough. The Minister of Justice (Mr. Toews), he can get into all the Clint Eastwood go ahead and make my day poses but I realize it is a tough act to follow, and I have news for the Minister of Justice because I would suggest he

check and see what kind of credibility the Conservative Party has in rural Manitoba, particularly when you explain this to people.

You know, I get a lot of people—you talk about C-68. They assumed the Conservatives were against it because now when it is fashionable, when they are in the right seats, when they are in the province of Manitoba, guess what happens? They are going to put out—I guarantee you, in Dauphin, they will put out a leaflet that says, hey, they are against C-68. I will tell you what they will do in Quebec. I think this has something to do with it. Jean Charest is going to go around, and he will probably only say this in French. He will probably say, well, I have concerns, but I support C-68.

\* (1510)

I mean, we have been through this. This was amazing, I went over to the Liberal MLA, and I said this is unusual because normally it is the Liberals who are on both sides of the fence. They are often firmly impaled right on the fence, but on this one, on C-68, the Conservatives are on one side of the fence, and Quebec is on one side of the fence, and western Canada. I just say to Jean Charest, to the federal PCs and their apologist, of course, in this Manitoba Legislature on key issues, you cannot be on both sides of the fence. You are either for the registration or you are against it, and all the puffery of the member for Rossmere (Mr. Toews) and all of his newfound knowledge of Dauphin—and I am sure he is going to be coming up to Thompson doing the same thing, discovering the broad expanse of rural and northern Manitoba.

Hey, some of us have been there already. We know what is going on. We took a stand, and I tell you, his party refused to take a stand, and the people of Manitoba are going to remember that in the next 36 days. [interjection] Yeah, you have to take a stand. I say to the member for Lakeside (Mr. Enns), I wonder if he will stand beside Jean Charest on an election platform. I think he has enough sense not to do that.

Some over there may want to stand beside Preston Manning. We are never quite sure with the Tories. You know, they are schizophrenic, and one day they support one side; the next day they support the other

side. I do not blame them. It is pretty tough being a Tory in this country federally after the Mulroney mess.

But, you know, Jean Charest found a way to get out of it. He is trying to reinvent the old Liberal trick. Is this not the way the old Liberals operated—and I do not mean to pick on the member for Inkster (Mr. Lamoureux) here because—

**An Honourable Member:** He is a new Liberal.

**Mr. Ashton:** He is a new Liberal, that is it, yeah. But that is the way it always used to work. You say one thing in one part of the country, and you say another thing in the other. You know, it worked not too badly for a while. The problem was, after awhile people could learn from what was going on in other provinces.

We have telecommunications now. Some of us are somewhat fluent in other languages, and you can pick up when two things are said differently. Brian Mulroney was a master of that. Brian Mulroney, the friend of western Canada, would then go into Quebec, and I remember listening to him in French and, you know, it was interesting because his whole tone changed immediately.

I believe a country is built on a strong foundation, and the way you build a strong foundation is you say one thing in one part of the country and you say the same thing in another part of the country. You cannot keep a country together by trying to be a political chameleon, the political chicken like Jean Charest was.

I think we are going to see that as we get into this federal election. [interjection] Well, MacKenzie King, yes, gun registration if necessary, if necessary gun registration. That would be what MacKenzie King would have said.

**An Honourable Member:** Conscription if necessary; conscription if not necessary.

**Mr. Ashton:** That is right and when we revisit this, I think this is exactly the Jean Charest attitude. [interjection] Well, it was interesting that—I had not realized Mackenzie King was the member for Lakeside's political hero. Well, okay, I take that back. I think that is going a bit too far.

I do say to the minister responsible—[interjection] Oh, now the other Liberals are here, and I just want to say to the member for The Maples (Mr. Kowalski), I actually was giving the Liberal caucus credit for taking a stand on this. To the member for The Maples, I think this is fairly important, but, Mr. Acting Speaker, I really think that the Minister of Justice (Mr. Toews) has set a new high in this House for political thin skins. We saw, as the Minister of Labour, in his previous reincarnation, how he actually went to casino workers, and Clint Eastwood again, go ahead, make my day; you picket me and it is going to be another week on the strike.

We see the same thing here. This minister, instead of coming in here and debating the issue, takes the pretext of comments that were expressed—and read what was said. All the member for Broadway (Mr. Santos) and the member for Dauphin (Mr. Struthers) say is if the law is the law, you have to follow it.

By the way, there were some points in which the Attorney General was correct in terms, if you read the act, of the enforcement. There are different questions in terms of administration and enforcement, and you run into difficulties again when the police force—this is federal legislation, but you have provincially funded police forces, and I think the minister will be the first one to recognize that this is not as clear-cut an issue as he would like to make it out to be. [interjection] Indeed, the member for Dauphin (Mr. Struthers), that is all—and it is interesting. The Minister of Justice (Mr. Toews) got up and said, well, you know, we are saying it is constitutional, and then afterwards he said, well, actually the enforcement is federal and it may be constitutional, but we have the option. What did the member for Dauphin say? The member for Dauphin says if you have to follow it under the Constitution, you have to follow it, and if it is not constitutional, then obviously that is not going to take place.

I mean talk about splitting hairs here. But, no, wait a sec, if you have to go as far as the Attorney General does to justify the record of the Conservative Party, I can understand you had to find straw people to poke holes in here. So he found a new one today. I mean the Attorney General getting up and embracing the Liberals. I would be afraid for the Liberals, especially for the member for Inkster (Mr. Lamoureux), with that

kind of political embrace here—I mean giving tribute to the Liberal Party on C-68.

It is obvious, Mr. Acting Speaker, what the real agenda is here. We have got a federal election coming up and, you know, some of us I think—and by the way, I am proud of our federal leader for having the sense to call off the campaign, particularly in Winnipeg and southern Manitoba, until we get out of this flood situation. I do not think anybody thinks it makes any sense to have a federal election right now. But you know it is interesting because I think everybody knows one thing in this province; the party to watch is the New Democratic Party. When you see the Conservatives putting all their efforts into attacking the federal NDP through attacking the provincial NDP in this province, you know one thing. The New Democratic Party in the next federal election, which is only 34 days away, is going to make major gains in this province, and it is because we were there. Even though we only had nine members, we used all nine of them.

The Tories were down to two members, and do you know what? One of them voted. I have said in a lot of places throughout the province that I thought they were lucky in the last election to get two members. I thought that was two members too many. Well, as it turned out, Jean Charest proved that point because he was not even there on one of the most controversial issues we have seen in the four years. I mean Elsie Wayne did vote. I cannot even remember which way she voted. Does anybody here remember? Which way did Elsie Wayne vote?

**An Honourable Member:** Oh, she was all for it.

**Mr. Ashton:** She was all for C-68. Did she vote for or against it?

**An Honourable Member:** Against it.

**Mr. Ashton:** She voted. So it was one against and one abstention. It is interesting because you know you look at the federal Tories, they had a choice, they could have taken a stand. I just say this; this is a buyer-beware warning for the next 34 days. You know when Jean Chretien came here on Saturday and did his media event, and I think it was probably well intentioned, but I just say to the member for Inkster he might have been

somewhat more advised to be not in the picture. I thought there was—and I talked to people who were very offended by what happened, and I say with a—

**An Honourable Member:** We needed all the help we could get.

**Mr. Ashton:** Well, the one bag. I happen to think, by the way, that there is an important role for the Prime Minister to see what is happening, but not given the circumstances, going into an election, you know, to use it as a media—and I say, quite frankly, Mr. Acting Speaker, I think it is absolutely shameful that we actually have a federal election in this province. There is no reason why they could not have delayed it at least two weeks.

**An Honourable Member:** What did he say when you gave him the sandbag?

**Mr. Ashton:** Jean Chretien said what? He said, when he was handed the sandbag, what do I do with this?

You know I find it interesting because you are going to hear now, you are going to hear some pretty bizarre statements over the next 34 days. You start with Jean Chretien with his great concern for Manitobans. He was so concerned he visited the flood and called the election. I mean has nobody looked at the map. Has nobody looked at the fact there are close to 25,000 Manitobans who are not going to be able to vote in the normal way? You will not be able to campaign. I mean even a delay of two or three weeks would have made all the difference, but I say, it is going to be interesting because the next thing is watch the desperation of the other two right-wing parties. We have the Liberal right-wing party, and we are going to have the other two right-wing parties attack each other. They are going to try and raise the ante, and I see this today. The Attorney General is going after actively for the Conservative Party.

Now, there may be members on the other side who will endorse Reform. I think a lot of them will put their finger up to the wind and see which one of those right-wing parties goes up or down over the next few weeks because they have been playing that game. But, you know, the next time anybody comes to you, like Reform does or the Conservatives, that say they were tough on

C-68 or tough on anything—I mean just look at the record and you will find, and I say this specifically to the Attorney General, that there are parties which took a stand. Yes, indeed, most of the Liberals took a stand. The New Democratic Party, you elect nine M.P.s, you get nine votes, and you know in the end you get courageous votes, people who stood on the principle.

Indeed, we respected the fact that there was a disagreement within that caucus. I think that showed the strength in the New Democratic Party, unlike the Tories and unlike Reform who go around and say we are going to get rid of C-68. But you know what it is interesting is there were more Reform M.P.s voted in favour of C-68 than NDP M.P.s. There were three Reform, including the deputy leader, only one NDP M.P.

\* (1520)

So if you want to get into litmus tests, I think the NDP could get into this, but I am not interested in that, Mr. Acting Speaker. Quite frankly, I think what the Attorney General does is similar to what the previous Attorney General did on justice issues, all talk and no action and not only that, exaggerated talk.

Who can forget the in-your-face Justice minister, the former Justice minister? Those Headingley inmates, they are going to get in there and they are going to clean up the jails. I do not have much experience in Justice matters. I have not been Justice critic or Justice minister, but the average person on the street could have seen that it was not feasible and did not make sense. I had a guy today, I was in my own constituency, and he said, well, we should be putting all these convicts out doing sandbags. I just thought, well—and there are some in Milner Ridge who have been doing that, and I appreciate that by the way because we are all Manitobans, even people who run on the wrong side of the law. But, quite frankly, when my brother was diking his property here in the city of Winnipeg, I do not think he would have necessarily wanted attempted murderers and murderers diking outside of his house. I mean, it does not make sense. You have security issues, but, you know, the member for Fort Garry (Mrs. Vodrey) got these great photo ops on this sort of tough-sounding talk.

I think the Minister of Justice (Mr. Toews) is doing the same thing. He is doing a disservice, because I think there is a role for a debate on C-68. By the way, I say to the Minister of Justice, if you are against C-68 or in favour of it, you vote for an M.P. and a party that represents your views. The main thing is you deal with it where it should be dealt with, in the federal House of Commons, and that is, if you are against C-68, you vote against it and you repeal it.

You can huff, you can puff and you could blow all the houses down, but the only way in which C-68 is either going to be there or not—and I recognize there are our people on both sides of this issue—the only way that you are going to deal with it is by dealing with it in the House of Commons. I say that as a cautionary note to the Minister of Justice because I have been on the record on the registration portion of C-68. I think it would impact on First Nations in particular, many sports hunters. I think it is an ill-advised use of resources. I do not want to see police resources used in terms of the registration that could be better used on the street, which is what he said.

But what is interesting, instead of trying to build on consensus in the Manitoba position—and by the way, the provincial New Democratic Party supported the court challenge which involved a number of other provinces including Saskatchewan and Alberta because of some serious questions about the constitutionality, but Mr. Acting Speaker, let us get some perspective on this. I have not seen the Minister of Justice get up in this House and talk about some of the other key issues that we are going to be dealing with. He wants to campaign on federal election issues. What about the terrible situation in this country in terms of jobs, in terms of inequality, in terms of poverty?

In northern Manitoba, C-68 is of significant concern in a lot of my communities, but do you know what the No. 1 concern is? You give them the real question. It is about the lack of jobs, lack of economic development, lack of education and training and problems with health care.

Let us not turn ourselves into an extension of the United States. I say to the Minister of Justice (Mr. Toews), I have seen the Willy Horton ads in the United States in 1988. I have seen this hang 'em high

exaggerated rhetoric that the Americans have devolved into a fine art. I have seen these attack ads of one candidate not being tough enough on crime and the rest of it. What I find interesting is, I remember the Willy Horton ads because they were used to attack Governor Dukakis who was running against George Bush in 1988, when basically he had nothing to do with the Willy Horton decision. It did not matter. It was his trigger for something else. We all know what that—the funny part is I cannot even say in this House what the Willy Horton thing was all about because the Speaker has prevented us from saying that.

But the Americans have developed the fine art of the political attack and the exaggerated rhetoric to the point where 50 percent of Americans do not even vote in their presidential elections—50 percent. I think what the Minister of Justice (Mr. Toews) is doing is simply becoming a branch plant of the American political culture. You know, it is interesting because this is an issue where presumably he and I should be on the same side, but I am disgusted that a Minister of Justice whose main job in this province should be the promotion of justice in terms of law enforcement would be trying to use Bill C-68 to use his position as Attorney General, to use it in a federal election. That is absolutely, I believe, despicable on that member's part, and it will do nothing to benefit our political culture.

By the way, I am equally as critical of some of the comments Allan Rock has made and some of the federal MPs in various different parties. Let us get some perspective on C-68, and I have said this to people in my own community. Even though I oppose the registration portion, it is not an issue that is going to be an issue that will be dealt with in any other way than in the House of Commons by the parties in the House of Commons, and indeed perhaps it should be an election issue, but let us not put this ahead of unemployment and health care and education and the other issues, and let us not go down the garden path of the American system. You know, I say this to members opposite because I believe—and I find it ironic, because this government's record on crime is one of the worst in the country, the highest number of car thefts for example, the greatest concentration of gangs.

I want to throw out the different vision of the future between us and the Americans. I was watching the

governor of Michigan give a state of the state address a couple of years ago. It is interesting, a Republican governor—but it does not really matter the political label in some cases in the United States, unfortunately. Do you realize in that state right now that \$1 in \$4 is spent on corrections and within the next five years \$1 in \$3 in the state of Michigan will be spent on the prison system? Mr. Acting Speaker, I know what has happened. You start off and you get this rhetoric and then another party has the same rhetoric and you raise it and you raise it and you raise it to the point where now, you know, the three strikes and you are out. Have you seen some of the people that have been put away for life imprisonment? I have got no problem with being tough on crime, and indeed having sentences that mean something. We saw that happen last year. But let us not get into the hang 'em high sort of system of the Americans. Does it work? It does not work. The Americans have one of the highest crime rates in the world, one of the highest crime rates in the world, and yet they have got more people in jails. Jails do not solve the problem of crime. They have got more guns. I mean, they have got people down there that can make the Minister of Justice (Mr. Toews) look like he is totally soft on crime, that he is really—he is just a—well, I will not even repeat some of things he is.

**An Honourable Member:** You can carry a concealed handgun in Texas.

**Mr. Ashton:** You can carry a concealed handgun in Texas, I am advised by the member for Wellington (Ms. Barrett).

The way down that garden path started, I believe, with a mentality, and it has been fuelled by rhetoric. When we discuss C-68, let us discuss it on its merits. Let us take a stand, and in this House let us try and build consensus where there is consensus. Until it was politically convenient for the Tories, there was consensus between the two main parties. The Liberals, to their credit, took a stand against it, a matter of principle. I appreciate that. But let us not Americanize this debate, and when I see the Minister of Justice doing that, I say he should rethink not just the rules of this House but his role as Minister of Justice.

I believe his No. 1 responsibility in this province should be to ensure the utmost respect for the justice

system, and I believe that he can achieve this best when he deals with an issue, an important issue like C-68, to deal with it professionally, deal with it without playing politics. [interjection] I thank the member for Lakeside (Mr. Enns) for the terms of "playing politics." I say to the member for Lakeside, we do not need this so-called Minister of Justice two days into the election getting up and venting his spleen for 30 minutes, trying to play politics on C-68. I say to members opposite, if there is one person in this House who should be above the cheap politics we have seen from the Minister of Justice, it is indeed the Attorney General of this House.

If you want respect for the justice system—you know, I remember Justice ministers who whether you agreed or disagreed with the government policies, you respect it. I go back, even the current government House leader (Mr. McCrae), I had some respect even when I did not agree with him. I thought the previous Justice minister played politics day in, day out, was more interested in photo ops than the operation of the justice system. In this case, I think this is the ultimate we have ever seen where the Minister of Justice now wants to go and leap into the federal election and become one of the key players. Well, I say to the Minister of Justice, that is absolutely wrong.

We in the New Democratic Party—I have responded today, and we raised concerns yesterday, and what a terrible thing that people said: If it is the Constitution, it is the Constitution. I do not understand what the big concern of the minister was about what the member for Dauphin (Mr. Struthers) said.

\* (1530)

You know, this is not the United States. We do not have people in this country, like we have seen in the United States, who have openly challenged the government. I do not want to see any militia mentalities like in the United States; you know, the United States mentality applied here. Ninety-five percent of the people in the United States, I believe, are reasonable people, 99 percent, but there are people in that country who have views I do not want to ever see exported across the border, and I say you export those kinds of ideas when you make it politically acceptable for these kinds of ideas to take root.

You can be opposed to C-68 without buying into the American mentality on gun control, Mr. Acting Speaker. You can be opposed to C-68 without buying into this political rhetoric about who is the toughest on crime. It is an issue that should be dealt with in itself, and quite frankly, should be dealt with by the people of Canada in the federal election.

I would suggest that after that, and I have said this in my own community, we should keep it in perspective. When I have someone who supports C-68, and many of my friends do—I had to take a stand, and it was not easy because, as I said, I support gun control but not the registration.

You know what though, Mr. Acting Speaker, what disturbs me is the lack of respect I have seen on both sides of this argument, and part of it is we are trying to convert it into an American-style debate, that if you are against C-68, you are somehow not in favour of gun control, and that is a distortion because that is not true. Similarly, if you are in favour of C-68, you are trying to deny people their rights. We in this country can respect our opinions, and I say that to the Minister of Justice (Mr. Toews) because he has shown some of the most incredible disrespect I have seen.

I understood that there were members of our party who raised concerns, but that is their role. That is their role in Estimates and when you go into Grievance. It is their right as a member of the Legislature. He has a different responsibility, I say. He is a Minister of the Crown, one of the most important positions, the Attorney General.

The proper thing to have done yesterday was to have listened. The proper thing for this minister to do today, instead of worrying about what the media did or did not say about his speech, instead of trying to go and inflame the passions on this issue—I think if anyone in this province should be above politics and passions, it should be the Minister of Justice, and if he continues down that path, I would suggest, Mr. Acting Speaker, that just as we did, just as this Premier (Mr. Filmon) was forced to do with the previous Justice minister, the only appropriate thing to do would be, if this minister cannot keep out of the worst end of politics of these kinds of issues, let us get a Minister of Justice in who will have the respect of all members of this House

and ensure we keep politics out of those very important debates.

**Motion agreed to**, and the House resolved itself into a committee to consider of the Supply to be granted to Her Majesty with the honourable member for Pembina (Mr. Dyck) in the Chair for the Department of Consumer and Corporate Affairs; and the honourable member for Sturgeon Creek (Mr. McAlpine) in the Chair for the Children and Youth Secretariat and the Department of Environment.

\* (1540)

### COMMITTEE OF SUPPLY (Concurrent Sections)

#### CONSUMER AND CORPORATE AFFAIRS

**The Acting Chairperson (Mr. Helwer):** We will bring the committee meeting to order. This afternoon, this section of the Committee of Supply meeting in Room 255 will resume consideration of the Estimates of the Department of Consumer and Corporate Affairs. When the committee last sat, it had been considering item 1. Administration and Finance (d) Research and Planning (1) Salaries and Employee Benefits on page 24 of the Estimates book. Shall the item pass?

(Mr. Peter Dyck, Acting Chairperson, in the Chair)

**Ms. Marianne Cerilli (Radisson):** Mr. Chairperson, I am going to jump right in to questions about some of the information in the Supplementary Estimates book and the annual reports. First of all, I wanted to get some explanation of what has happened with the staffing in this branch, the Residential Tenancies Branch. It seems like there has been a transfer of staff from Professional/Technical to Administrative Support staff from last year, and I am wondering how this is affecting the branch or what the reasons are behind this, what kind of staff positions are these and that type of thing.

**Hon. Mike Radcliffe (Minister of Consumer and Corporate Affairs):** Is my honourable colleague referring to page 26 of the Supplementary Legislative Review?

**Ms. Cerilli:** That is correct.

**Mr. Radcliffe:** Mr. Chairman, I am advised that the department picked up a secretarial position from Trust and Loan in the Administrative and Support which accounts for one staff year position, moving from 26 to 29. At this point in time we cannot account for the balance, and we undertake to research that and advise my honourable colleague.

**Ms. Cerilli:** Is it, though, Professional/Technical, the category of the inspectors in the branch? I would be quite concerned to learn that the inspectors' number has gone down, so I wonder if you could confirm that, the number of inspectors. I think the last time we did those Estimates there were two or three, which is not very many for a province this size, so I am wondering if you could clarify that for me.

**Mr. Radcliffe:** My honourable colleague is correct that the officers are in the Professional/Technical, and I am advised by the department that there has been no change.

**Ms. Cerilli:** So the number of staff in the department that have responsibility for doing inspections of rental properties is how many?

**Mr. Radcliffe:** I am advised there are three employees in that category.

**Ms. Cerilli:** Just to confirm. Three full time? Is that all that they do, or do they have other duties that they are responsible for?

**Mr. Radcliffe:** I am advised there are two full time in Winnipeg and one person who has split responsibility between Brandon and Thompson.

**Ms. Cerilli:** I want to look at the annual reports then, because there are some interesting trends in this area of inspection with the annual reports—if I can find the page now. I am looking for the area in the report that shows—maybe I am looking in the wrong report, maybe I should be looking in the Residential Tenancies Branch report. The most recent one I have is from '95. Is that the most recent annual report?

**Mr. Radcliffe:** For the branch is the 1995 annual report.

**Ms. Cerilli:** I am wanting some information about the number of inspections that are being done in the province on residential rental properties. Maybe the minister and his staff could guide me to the—I thought I had the page marked here. I am wanting to get an update for the last couple of years since this report on the inspections that have been completed.

\* (1550)

**Mr. Radcliffe:** For my honourable friend's guidance, I would direct her to page 4 which covers inspections on repairs. This is page 4 of the—[interjection] Yes, good. We are looking at 148 inspections for '95 and 169 for '94. That was the carry forward, and then the totals are indicated there—694 and 690.

**Ms. Cerilli:** Do you have information with you so that we could bring this chart up to date for '96—I guess you do not have much for '97 yet—but just to see if there is information available for '96.

**Mr. Radcliffe:** I am advised that this is being compiled as we speak.

**Ms. Cerilli:** Okay. Generally then, so far there is a trend with quite a reduction in the number of active inspections between '94 and '95, a reduction of more than 20 inspections. Is that continuing in that direction, the number of active inspections?

**Mr. Radcliffe:** I am advised that the figures of 148 for '94 and 123 for '95 are the active carry-over files that are existing right now that are still open, and this would correspond with the same sort of gap that you would find going into those two respective years, the figures of 148 and 169 a significant drop but the same relationship to each other.

**Ms. Cerilli:** The figures, I guess, that are more significant are the ones that have been processed. So we would have to do some quick—to try and compare the ones received and the ones processed. I am trying to look at the volume of inspections that are being done in the branch to see what the trends are there and to see the ones that are actually being completed in a given year, to look at the volume there, and see if there are trends to see if there are more inspections being done and completed in a given year, or fewer.

**Mr. Radcliffe:** The only thing I can reflect upon at this point would be the 525 figure for processed files in Winnipeg in 1995 would indicate over 496 that there were more files processed in that period of time in that category in repairs in Winnipeg. There would be a drop in Brandon and an increase in Thompson, and for an overall active pending file drop of 20 files, 25 files.

**Ms. Cerilli:** The question I am asking though is how does this compare with where we are now. Now we are in '97, so '94 is getting to be quite awhile ago, so that is why I am asking just for general trends in this area, because we do not have the annual reports for the more recent years.

**Mr. Radcliffe:** I can advise my honourable colleague that the department advises that there have been a similar number of complaints coming in. There has not really been a significant variation in the number, but without the actual figures in front of us we would hesitate to say anything more definitive than that.

**Ms. Cerilli:** Okay. One of the other areas I want to spend some time on is how this is going to be affected by the new computerized system that is being brought forward. There is one system, I understand, that is going to be on the Internet to be accessed by both tenants and landlords that will have a registry of complaints against landlords and against tenants when there are complaints that have been processed. It is like a registry. I am wondering if that will also include this type of information in terms of repair orders against a landlord.

**Mr. Radcliffe:** I am advised that the department is looking at—

#### Point of Order

**Ms. Cerilli:** On a point of order, I realize you just got an update bulletin from EMO. I am wondering if you want to read it into the record in terms of updating the committee. It does not look like it is that long, so we would all get the information and we could carry on.

**The Acting Chairperson (Mr. Dyck):** Sure, I can do that.

\* \* \*

**The Acting Chairperson (Mr. Dyck):** Media update, flood of '97. Manitoba Natural Resources Water Resources branch reports the levels of the Red River rose from less than 1 inch at Morris to 0.8 feet at Ste. Agathe and half a foot at St. Adolphe since yesterday. Strong north winds made it difficult to obtain accurate river readings this morning and caused unusual changes in the water levels due to wind and wave action. There is wave action on the valley town ring dikes, but no problems have occurred and none are expected.

Flooding at Ste. Agathe is due to water entering the town from the west across the railway tracks. Ste. Agathe does not have a ring dike due to its relatively high elevation.

At Emerson, the Red River has fallen slightly and only small rises are expected at Letellier and St. Jean Baptiste.

Predicted peak levels for the Red River have been revised downward by 1 foot at Morris and St. Adolphe and half a foot at Ste. Agathe. Crests, peak water level dates are difficult to define exactly because the crest will be broad with levels remaining virtually unchanged for about five days near the crest. A crest is expected at Morris May 1 to May 5, at the floodway inlet May 2 to May 7, and in Selkirk May 4 to May 9.

In the city of Winnipeg the crest will likely be a little earlier, between May 1 to May 3, due to operation of the Portage diversion and the Red River Floodway. Virtually all Assiniboine River flows at Portage la Prairie will be diverted to keep levels in downtown Winnipeg from exceeding 24.5 feet.

Most smaller streams in the Red River Valley and eastward have crested but remain very high with considerable flooding of farmland. The Seine River at Grande Pointe has been rising slowly in recent days due to backup from high water levels in the Red River Floodway. Levels are likely to rise a further 3 to 4 inches. Weather conditions are favourable for the next five days with little rain expected and lighter winds expected.

\* \* \*

\* (1600)

**Mr. Radcliffe:** We were talking about the implementation of some technology, computerizing a database of a registry for tenants and for landlords for work orders or repair orders. I am advised that the department is still reviewing both the implementation and the choice of a database. Nothing has been implemented at this point in time. This will of course have no effect on the number of complaints received but, in fact, there has been nothing implemented to date.

**Ms. Cerilli:** My question was then, if the information about repair orders will be available on this program?

**Mr. Radcliffe:** The intention is that all the orders of the director would ultimately be put on the database.

**Ms. Cerilli:** Then I just want to clarify, going from the annual report again from '95 for the branch, the next section is Tenancy Agreements, and I am not quite clear if these then are the results of, again, complaint driven or complaints from tenants about their tenancy agreements, and it is the same type of report as with the repair orders.

**Mr. Radcliffe:** I can advise my honourable friend that in fact these are all complaint driven, and the issue of tenancy agreements does pertain to the rental agreements between the landlord and the tenant.

**Ms. Cerilli:** I want to make a suggestion then, because the way that the annual report is laid out, nowhere on here does it say anything that these are complaints. If you read the narrative, I do not even think there it talks about complaints. It talks about files. It talks about the activities of the branch, and it does not really clarify that these are the different areas that the complaints are dealt with in the department. They could be tenants calling with concerns about repairs, about the conflicts with their landlord in terms of their tenancy agreements, in terms of notices being given for vacating the suite, or whatever. The same—you know, orders of possession, I guess that one is more clear, but I think that that could be made more clear in this report.

**Mr. Radcliffe:** A point well taken.

**Ms. Cerilli:** Okay. I am wanting to ask then, while we are talking about the new program, which I support

very much, to have this information available both to landlords and tenants through the Internet to sort of help with identifying problem landlords as well as problem tenants, but I have kind of been mystified why in the appropriations for this branch under Computer Related, there is nothing in the budget for last year or for this year. It seems like this would involve some additional expense in terms of computer-related expenses. I wonder if the minister could explain this?

(Mr. Mervin Tweed, Acting Chairperson, in the Chair)

**Mr. Radcliffe:** I would direct my honourable colleague's attention to Supplies and Services. There have been a number of savings in the operating budget. The computer development will be drawn from those areas of the department's budget.

**Ms. Cerilli:** Could the minister clarify, then, the cost for this computerization and tell me a little bit about the time line for it? I know that I was at a meeting where there was a presentation by staff from the Residential Tenancies Branch, and my understanding from that meeting was that this was something that was going to be up and running fairly soon, so I am wanting to get those two things clarified, the cost and the time frame for the program.

**Mr. Radcliffe:** I can advise my honourable colleague that the target for implementation for this database will be probably September of '97. That is the estimated time, but there could be stalls and delays in the development of the program. The department does not, at this point, have a figure that they feel comfortable giving as to cost at this point.

The development of the database and the program for the registry of the complaints is involved with some other technological advances that the department is also working on, so that it is hard to isolate in this particular area right now.

\* (1610)

**Ms. Cerilli:** Two things, then, following up from that; first of all, the program or system for dealing with disputes and complaints now, that must be computerized in the department. When staff take

information from landlords or tenants, either over the phone or the information is sent in, is that information not input into a computer?

I have seen some of the forms that are used. I am wondering if that information is not at this point being computerized and if that is something that is going to also be part of this, if it is going to be automatic, that the information would be on sort of a template that would be on a screen and just inputted. The forms would be inputted directly into the computer, and all that would be automatically then put into a database. I would have thought that would have occurred already, given the age that we are in and a system like this, so I would like some explanation if that is the case or not.

The other thing I was going to ask in terms of follow-up is, what is delaying the implementation of the program?

**Mr. Radcliffe:** I am told that, in fact, there is some word processing capacity right now, but the delay has been caused by trying to design the retrieval system for the database. I get very quickly beyond my competence level at this point in time. This issue is at the design stage of trying to figure out the different language.

I would also add to my honourable colleague that there are some concerns on privacy that the department is considering, as well, at this point in time. They want to ensure that there is privacy, that there be thresholds of information people will be allowed to have access to and others that there will not be.

**Ms. Cerilli:** Can the minister provide a little bit more information on that issue of privacy? What are the concerns? I know that when I heard the presentation, there was some discussion around this issue, more particularly as it pertains to tenants. I am wondering how that is being dealt with and what the concerns are.

**Mr. Radcliffe:** I would advise that the issue is to protect tenants if there should be a situation of somebody being stalked, so as not to reveal the private address of a tenant through being able to research this database.

**Ms. Cerilli:** This is of particular interest to my colleague the member for Osborne (Ms. McGifford)

who has been dealing with the privacy issues around the SmartHealth program. We are now discussing a program that is being implemented in the Residential Tenancies Branch that is going to computerize both complaints from landlords about tenants as well as from tenants about landlords on repairs or tenants who do not pay their rent, move from place to place and that kind of thing. There are some issues around privacy for tenants, particularly if they are being harassed and stalked or if they are moving from a violent domestic relationship, that type of thing.

So I appreciate that those concerns are being dealt with. Is this one of the areas that has also then sort of slowed down the implementation of this program? When can we expect that these matters will be resolved?

**Mr. Radcliffe:** I am advised that this is an issue. It is not the preponderant issue. The technological issue of recovery is the major issue that is slowing the implementation down, but this is one of the issues that is being considered.

**Ms. Cerilli:** In that vein, I am wondering what groups in the community the minister and his staff have consulted with around this whole area of privacy with respect to this computerized program.

**Mr. Radcliffe:** Mr. Chair, I am advised that the department is working with two landlord groups that are advising the director. There is also a group of tenants from west Broadway that is involved. In addition, as a third group, there is an ad hoc landlord and tenant group which is working with the director.

**Ms. Cerilli:** Specifically on the privacy issues, though, I am wondering if you have contacted an organization like the Manitoba Association for Rights and Liberties that have been doing some work specific to privacy.

**Mr. Radcliffe:** I would advise my honourable colleague that there has been no contact to MARL, but there has been some contact to departmental legal counsel on the issue.

**Ms. Cerilli:** I might suggest you do that then with MARL. I mean, they have always been interested in

these types of issues. I am also wondering if this program will be subject to the proposed legislation on privacy that is going to be coming from Culture and Heritage.

**Mr. Radcliffe:** Yes.

\* (1620)

**Ms. Cerilli:** Will this program, computerized information, also include the inspection information from the City of Winnipeg or other municipality departments that deal with communities other than Brandon and Thompson? How will information from the Manitoba Housing Authority be included, and will that be included?

**Mr. Radcliffe:** I am advised that Manitoba Housing is considered just like any other landlord in this milieu, and so, therefore, any orders against Manitoba Housing would be put on the record. Further, if there are any municipalities other than the three indicated who have repair orders or work orders of any sort, they can be filed with the director, and then they become an order of the director.

**Ms. Cerilli:** I was hoping that it would have been better than that. I know this has been a long-standing issue that we have discussed previously in these Estimates; that is, having automatic referral of all the inspection orders from the City of Winnipeg. It has been something that the chief health inspector at the City of Winnipeg previously has been open to.

So I am wondering if the City of Winnipeg knows about this new computerized program with the Residential Tenancies Branch and if they are interested in having all of their inspection orders and, I guess, judgments filed with this program.

**Mr. Radcliffe:** I am advised that the department has been in touch with the City of Winnipeg on this issue. They have told the chief health inspector of the operation of the scheme. We have no authority to make the registration of the City of Winnipeg orders compulsory, but there is the availability if the city wishes to voluntarily register their orders on this proposal.

**Ms. Cerilli:** Is that something that you are encouraging, because it seems for this system really to be truly a reflection of the situation for Residential Tenancies properties in the province, that municipalities need to be involved, or you are only going to get a very small part of the picture.

So is that something that is being pursued? Even if it is phase two, I am all for getting the program up and running and then having the municipalities have their information inputted, but it seems to me that to get a full picture, you need to have that information.

**Mr. Radcliffe:** Yes, it is being encouraged. There have been a number of meetings between the department and the city at the initiative of the department. The communication coming back to the department is that this is what will be the result, as my honourable colleague has outlined.

**Ms. Cerilli:** That is good news. I am glad about that. I am just wanting to clarify then, I was saying how the City of Winnipeg has the majority of the responsibility in this area, that they are the first line in terms of the health inspectors to deal with the vast majority of the calls.

So I am wondering if we could get some information to sort of supplement the information in the annual report from the branch just to indicate how many, generally, orders or requests for inspection on repairs there are from the city at the city level for their health inspectors to deal with.

**Mr. Radcliffe:** I am advised, Mr. Chair, at the present time, that we are not tracking the city of Winnipeg independently, but this is something that we could do. I have no problem doing that in the future, and we could advise my honourable colleague.

**Ms. Cerilli:** Well, again, I think that it makes sense to have that information. I can understand if the staff do not have it here right now, but I would be interested in that, to get the full picture of just how large the database could be and the number of tenants and landlords that could be potentially involved. I do not know if we looked at some of the stats that we have here, I mean, there could be a number here for the same property or the same landlords, so definitely there

would be, I think, overlap between the information for the city and the province.

I just want to then move on, still with respect to this new program though. I have something here in my notes that, since 1992, there has been a database available, with a Web page from the provincial government. So the Residential Tenancies program will be accessed through the main Web page for the provincial government. Is that the way that this is going to work?

**Mr. Radcliffe:** My honourable colleague is correct that in fact the Manitoba government does have a Web page and the proposal is that the access to this information would be through the Residential Tenancies part of the Web page.

**Ms. Cerilli:** I am sure they could find it through other ways of checking things like tenant or landlord as well as provincial government, but I am wondering how you plan to inform tenants, as well as landlords, that this is going to be available. What strategy do you have for announcing this and ensuring that it is going to be utilized for the benefit of tenants and landlords?

**Mr. Radcliffe:** I believe that once we have a confidence level that the system is up and working, and working effectively, that this would be something that probably the minister, me or the incumbent in my office, would use as an announcement by way of a press release.

**Ms. Cerilli:** As well, the people that are going to be listed in the system, would they also be informed specifically? Both the landlords and the tenants that are going to be part of the system, would they be notified that their name is recorded in there as having violated The Residential Tenancies Act in some way or that their previous evictions are noted on the system?

\* (1630)

**Mr. Radcliffe:** I am advised that the names of the individuals, be they tenants or landlords, who are subjects of the order of the director at this point in time are public information. There is no specific program in mind, at this point in time, to tell people that their names will be put on the database. The information

that they are subject to orders of the director is accessible by the public, at this point in time, and so all we are doing is changing the means by which the information is made available.

**Ms. Cerilli:** That is interesting. I understand that after five to seven years their information will be taken off this system. I do not know if that currently occurs, but it seems to me that this may be used as a deterrent in some cases because there is much more chance for people to be able to plug into the Internet and access the system than having to go down to a government office somewhere and look up any violators of the act in terms of landlords or tenants. So I am thinking that one of the reasons that this system is so good is that it is going to be much more accessible. So I am wondering, then, if people knew that this is occurring, they might be more inclined to be a good landlord or a good tenant.

The other thing I am wondering is how this system is going to deal with what is often one of the problems with the Residential Tenancies process, is dealing with counterclaims and appeals and how that is going to be shown on this system because ultimately that can take quite a long time for that whole process to work its way through—so if only the initial claim is going to be put on, or it is going to have to wait until there has been the time gone past for any appeal or counterclaims.

**Mr. Radcliffe:** I am advised that the proposal is that there will be a legend which will indicate the status of any particular complaint or issue before the director, and it will indicate whether the issue has been filed, whether it has been heard, how the adjudication is going and whether it has been subject to counterclaim or appeal, and it will be the responsibility of the director to keep this body of information updated.

**Ms. Cerilli:** I would think that this system will go a way in educating people. I am wondering if there are any plans in the branch to have more information about this process of having The Residential Tenancies Act work for you, so to speak, on the Internet as well, so that tenants or landlords could get information. I know you are providing some additional seminars now, but to have more of that information available over the Internet. You are not understanding what I am saying, so that the process is quite complex for your average

tenant in terms of having the act enforced, if they have a complaint against their landlord. Now that you are going to a program of having information on judgments and repair orders and all that available to the public through the Internet, you could also include more information about how the process works, so they will understand this process of having claims, and then a counterclaim, and then an appeal, and then an appeal to the Residential Tenancies Commission, and all the times that are assigned to that. I know there are some fees that go along with that. Having all of that available on there will also, I think, really help, so I am wondering if that has been considered.

**Mr. Radcliffe:** I would advise, Mr. Chairman, that the department will be putting a guidebook on the Web page outlining all the process that my honourable colleague is referring to. There is a sample right now, and this will be analysed, expanded and reflected upon to make sure that it does cover the process.

**Ms. Cerilli:** That is good as well.

Is there also going to be some availability for the telephone, or through telephoning to get access to this information about the computerized system? Not the process, but back to dealing with the record of judgments and complaints.

**Mr. Radcliffe:** The actual registration.

**Ms. Cerilli:** Right.

**Mr. Radcliffe:** I am advised that there is some discussion going on right now with regard to telephone access, and that there would be, where appropriate, voice recognition on the database so that individuals can access by the telephone.

**Ms. Cerilli:** Another good thing, since a lot of people are not going to have access to computers or the Internet, particularly a lot of people who rent.

I wanted to find out too, if the information on property managers, caretakers, will differentiate in terms of specific properties. There could be one property management company that has a number of properties. How are you going to deal with this problem?

I know that I have dealt with cases from people that have called me where this is often an issue with the Residential Tenancies Branch. Who is going to be held responsible? Is it going to be a specific property manager or is it going to be the company that person is working for?

You can also get into a dispute when you are dealing with caretakers as opposed to the actual management company as well. So how is this system going to deal with those issues?

\* (1640)

**Mr. Radcliffe:** I am advised that the property managers are often the active parties of record for and on behalf of landlords, so that the primary registration will be against the property manager if it is an appropriate issue. There will be some facility if the owner of the property is an active participant, but to preserve probity of contract the active people would be the property manager. As well, in response to my honourable colleague's question as to identification of property, there would be a facility which would identify which property is at issue.

**Ms. Cerilli:** I think those are all the questions I have specifically on that program for now, just to say that I think this is a real positive initiative, and we will look forward to making sure that it is going to be up and running in September. Hopefully there will not be any further delays. I think that it is a good initiative.

Maybe just to sort of back up a little bit. I have already asked a couple of questions about the staffing levels with the Residential Tenancies, the inspectors. I am wondering if there had been a program in the branch with an aboriginal tenants inspector, and if that person was let go or resigned and has not been replaced, if there was a specific program in attempts to deal with aboriginal tenants and if there has been a change in that program?

**Mr. Radcliffe:** I am advised that there is an aboriginal officer designated in Winnipeg. The individual has just resigned because apparently his family resides over 200 miles away from Winnipeg. This individual found it unreasonable to continue working in the city of Winnipeg. We are undergoing further recruiting for a

new person to fill this position, and it will be a person of aboriginal background.

I am told that in Thompson there are two officers of aboriginal background that are working for the department. I am also told there are three other individuals of aboriginal background in the city of Winnipeg who are working for the department.

**Ms. Cerilli:** Just to clarify, other than the person you mentioned that has resigned, none of these aboriginal people are working as inspectors; they are working in other areas in the department.

**Mr. Radcliffe:** I am advised that the additional people in Winnipeg are working in a support capacity. The two individuals in Thompson apparently do work as inspectors or do inspectors work. I would clarify that.

**Ms. Cerilli:** One of the other issues I want to ask about, and I do not know if this is in the annual report, but the record on redirecting rent. Of course, this is one of the reasons that we want to have all these inspections of the City of Winnipeg health inspectors referred automatically to the province so that this provision to protect tenants will be used more frequently. It seems now that it does not get used very often. I do not know if in the annual report you can direct me to the section that shows how many back to '94-95, but I am also wanting to see if you have any more information for last year on the number of times in Manitoba that landlords had their rent withheld until they complied with an order, so that tenants paid their rent into the department and then the landlord had extra incentive to comply with orders that were delivered from the Residential Tenancies Branch.

**Mr. Radcliffe:** Mr. Chair, I am told that on page 3 of the Residential Tenancies annual report, 1995, the area entitled Utilities, there are a number of redirected rent issues that arise in this category. Approximately, I am told, 55 percent of these orders result in a redirection of the rent. Next, under Repairs, there is a higher success rate or enforceability rate there, and in the Repairs figure it would be approximately 20 percent of those orders.

**Ms. Cerilli:** I think that would be another useful bit of information to include specifically in the report. It does

show something significant. I think that was one of the provisions in the new legislation that was really worked for on the part of tenants, and I think that it would be useful to have it specified in the reporting and have that kind of information on the Internet. That is one thing that a lot of tenants do not realize that is available to them. Of course, it is not easy to get to that point as I found by trying to work with some tenants, but I think it is a useful tool.

One of the other areas I want to ask questions about is on a different issue still related to the issue of rents, and that is the problem that has been identified with the Residential Tenancies Branch not being able to give assurances to the bank of—now I want to use the correct phrase here; that is what I am looking for—the certified legal rents. This is something that apartment investors are wanting to get. There have been some problems when landlords do not actually implement the rent increase guideline, and the branch has no way right now of monitoring that. What ends up happening, as I understand it, is that, when an apartment block is up for sale, there is a problem with the bank and the potential buyer being able to be assured of what the actual rent revenues are from that apartment block because there is no way of guaranteeing what that level is.

\* (1650)

I am wondering how the branch is dealing with this problem. I think that there had been a committee that was set up to try and resolve this, and I am wanting a report of where that committee's work is at and how this is being dealt with by the branch.

(Mr. Peter Dyck, Acting Chairperson, in the Chair)

**Mr. Radcliffe:** Mr. Chair, my honourable colleague has identified a number of problems which arise out of this lack of certainty in the Residential Tenancies world, and the first one is that the department right now has received a legal opinion that it does not have the jurisdiction to give a certainty in a situation which my honourable colleague has identified, which then results in a lack of evaluation of capital value for a particular piece of property which impacts on mortgaging, impacts on sale, impacts on evaluation. My honourable colleague has indicated that there has been an ad hoc committee that has met with the director and made

some recommendations. These recommendations have been submitted to me, and I am, at this point, considering these. I will be sharing these with my colleagues, and we will be considering whether in fact there should be some changes made to The Residential Tenancies Act to empower the director to act in this particular case.

Also, with regard to the issue, I guess, that my honourable colleague has touched on, the issue of where there have been forbearance, this is another issue that there have been some recommendations brought forward, and we will be taking them under advisement at this point in time. We do not want to rush them through this legislative calendar at this point until they have been thought through and see how they will impact on both landlords and tenants.

**Ms. Cerilli:** Well, the minister has been pretty vague, and I want a little bit more information if he can tell us what some of the recommendations were to start off in terms of trying to deal with this. I know one of the areas is a problem of having the tenants—once they receive a notice that their rent is going to go up, they will actually be guaranteed that they got that notice. That has been one of the issues related to this that I think has been a problem. So if that is one of the areas that is going to be dealt with to have some mechanism to ensure, I do not know, a certified letter. I do not know how that could be done, but if that is one of the areas that is going to be dealt with, one of the recommendations, if the minister could tell us more specifically what mechanism is being considered to deal with this problem.

**Mr. Radcliffe:** What my honourable colleague is referring to is that right now there has to be strict compliance with the act with regards to notice. One of the recommendations that I have received is to make a noncompliance voidable instead of void, because if there has been a breach or a failure in the process, then it may well impact that all subsequent rises in the rent can be wiped out, and this introduces a significant uncertainty in the world.

I am looking at this as well. This is, as I say, being considered. We are not introducing it in legislation in this term because I have just received the report from the ad hoc committee. With the agenda that we have

right now, I think we would be taxing the engine unduly to try and get it through in this legislative term.

**Ms. Cerilli:** I just want to clarify what the minister said. He said they would not be bringing it in this term, which means before the election.

I wondering if you meant this legislative session, and within this mandate you may consider implementing this report. I would also like you to give me some sense of the direction you would be headed in terms of the recommendations in that report.

**Mr. Radcliffe:** I stand or I sit corrected by my honourable colleague that, in fact, yes, I do mean in this term but not in this session. It would perhaps be in the next session.

I certainly have had the difficulties explained to me by the property managers, by the landlord groups, and I receive some comfort from the fact that the ad hoc committee has reviewed the issue and made a number of joint recommendations.

I do not know that I have any conclusion that I can offer to my honourable colleague at this point in time because the process of consideration has not been more than just commenced, so I cannot say where these recommendations are going to end up at this point in time. Certainly, they are on the table, they are being discussed, and they will form the topic for future discussion.

**Ms. Cerilli:** One of the other new programs that this branch has implemented is the tenant education program. This is really new, just, I guess, about three months old since January '97, but I am still wanting some update or a report on how this is going so far, the number of groups that are using the volunteer speakers to inform them of their rights under The Residential Tenancies Act, the types of groups that are involved so far in the program, the number of volunteers that have been trained to do this speaking on this topic and, I guess, some sort of general evaluation of how this is being received in the community and the response to the program.

Again, I do not know if there was—I think that there was one news release that would announce this

program. I do not know if I have that in my file, but again, I do not think that there was much of a fuss made about this program. There was not a lot of attention to it, and I know that this was something that I had asked about previously, so I was pleased to see that there was a program like this implemented. I am interested in finding out how the volunteers are being recruited and how they are being selected because it is a fairly technical area. I am also interested in seeing what type of materials have been developed to supplement the program. So that is a lot, but we can always go back and get them all answered.

\* (1700)

**Mr. Radcliffe:** I would like to tell my honourable colleague that in fact there is a feedback form which goes out with the speakers, and there have been over 220 tenants contacted at this point in time. The feedback that is coming back from the community is that it has been a very positive program. There are five volunteers trained right now, and the target is to end up with a cadre of between 15 to 20 individuals that are equipped and skilled in this field. The department has had 15 engagements at this point in time, education engagements or speaking engagements. I am told that there is a tenant-speaker handbook which has been prepared by the department, which is to enable the volunteers to be able to present. The groups that have been targeted are the Wolseley family centre, the Red River ESL group and an Urban Circle Training Program. These are three areas.

The demographic portion of the community that is being targeted are the inner-city high-risk tenants and single parents, aboriginal people. The co-ordinator, there has been a part-time co-ordinator to this program that was hired in August of '96. So that gives you an overview of the program, how it is running, who are involved and who the people are that are being targeted.

**Ms. Cerilli:** Back to sort of the way that this is being promoted and developed, I am wondering if it is all proactive, or if there was some sort of strategy to get information out more broadly. Manitoba does not have as many tenant associations, particularly in the private sector, as other provinces do. So what I have found is tenants are not really that organized in our province and what may happen is this is going to be more on an

individual basis. You may find that, as maybe you already are, that you are going to be working with different types of groups rather than tenant associations.

Seniors seem to be more organized in terms of tenant associations than others. I am wondering what the strategy is to promote this program in the community inside and outside of Winnipeg. I am pleased to hear some of the groups that you are targeting. It makes sense to target single parents and aboriginal inner city areas. I am wondering, more broadly, what the strategy is to promote the program so you may get more requests from other kinds of groups.

**Mr. Radcliffe:** Mr. Chair, I am advised that this program is in its infancy at this point in time, so there has been some hesitancy on the part of the department to overreach its resources. But there has been direct contact by mail to a number of groups that would be advocates or stakeholders in this environment, such as the Manitoba Society of Seniors, the Seniors Directorate, John Howard Society.

There will be tenant associations that the department knows, that are brought to the department's attention. It is hoped that as the program develops and as the volunteers come forward and are identified, that by system of a networking, this information will be transmitted as well.

**Ms. Cerilli:** It is interesting that the department has a half-time staffperson and they are relying on volunteers for this program. You have said that you are targeting 15 to 20. I do not know when you hope to have that many people involved, but I would also ask to just get a sense of how you are identifying volunteers for this program, how they are being selected. I am wondering if the Volunteers in Public Service Program is involved, or the Volunteer Centre. How is this part of the program being handled?

**Mr. Radcliffe:** The time line on recruiting volunteers is that we hope to be at the 15 to 20 level by the end of this fiscal year. The selection process is by virtue of consorting with, or relying upon the volunteer centre. There is the International Centre, the friendship centre, the resorting to the same sources of individuals that the Consumers' Bureau does for its speaking program. One of the issues that is at stake right now is to design a job

description. Then when the individuals do come forward, they have to have their background checked out to see that they are appropriate and suitable, because one would not want to be firing volunteers out into the community in such a representative capacity unless we knew that they were individuals who had the capacity to handle this sort of a job and were able to—well, would be appropriate people to do it.

**Ms. Cerilli:** Okay. So how long is the seminar? You said that 220 tenants have participated, and I am wondering if part of the strategy then is to also target immigrant groups. They would really benefit from something like this. Students and youth, I could see the universities and high schools would be interested in something like this.

\* (1710)

**Mr. Radcliffe:** Yes, I am sorry, I should have mentioned that the International Centre has been accessed and university groups as well.

I am told that the seminar is approximately an hour and a half, and then there is a free-flow question-and-answer period afterwards, so it can be open ended at that point in time, as long as the interest is sustained.

**Ms. Cerilli:** Good program. I think, now, I am going to talk a little bit about rent control. Mr. Chairperson, this is another area where I believe that the department has appointed, or involved a working group or a committee that is looking at issues particularly that have been raised by the Apartment Investors Association and the Professional Property Managers' Association. I have met with them, as well, and have the paper that the Professional Property Managers' Association has prepared.

Perhaps I can just start by asking a general question about the status of that committee. Have they completed their work, or is this ongoing to deal with the issues around rent controls?

Maybe just to explain this a little bit more, basically these landlord groups are suggesting that the way that the rent control guidelines have been implemented in Manitoba is now creating a couple of different situations. One, they are not keeping up with inflation,

and this is causing problems for the costs required by landlords to maintain properties. The second thing that they are claiming is that the rent control guidelines are having a reverse effect, I guess you would, on the low end of rental accommodation, particularly, I think, the city, but maybe they are looking at the other areas of the province as well. They are maintaining that what is happening is at the high end, the rents are being controlled, but at the low end if there were no rent control guidelines, the rents would actually be going down in Manitoba. I do not know if there has been any analysis on that.

I am interested in seeing if there is any work being done on this area because I do not know if they are taking into consideration the lower vacancy rate for the low end, so I wanted to get at some of those detailed questions as we go along. Basically, that is what I am referring to in terms of the problems that these landlord and property management groups have identified, so I am wondering how the department is dealing with that.

**Mr. Radcliffe:** I believe, Mr. Chair, that my honourable colleague has touched on the work of this ad hoc committee a little while ago, as well in our discussion when we were talking about rent certainty, and this is the same group. I am told that the deliberations of this group are completed at this point in time and that the conclusions that have been recommended to me—or the recommendations are all part and parcel of the same report that have come back. The rent control issue, I am aware of the argument that my honourable colleague is making.

**Ms. Cerilli:** I am not necessarily making that argument. I am telling you the argument of these landlord groups—a point of order.

**Mr. Radcliffe:** The argument that my honourable colleague has outlined and presented, and my response to that would be—and I am sure she would be very quick to advance this argument as well—that there is the capacity for a rent holiday or rent forbearance if in fact a particular landlord does not think that the particular market will sustain the rent level, and so long as the rent holiday is defined and outlined in the notice. Then, when the market changes, it can revert to whatever the allowable level may be by the statutory

recommended increases that have been issued from the government.

**Ms. Cerilli:** I want to go through this issue then more specifically, one point at a time.

**Mr. Radcliffe:** Mr. Chair, I would want to make clear to my honourable colleague at this point in time that while I have received the argument, I am not either denying it or advocating it at this point in time. I am aware of it, as is my honourable colleague, and if she wishes to expand my knowledge of the report, I would be very happy to discuss it with her. I do not want the record, in any way, to show at this point in time that I have adopted the recommendations coming from this report that she is referring to or that I have turned them down. They are on the table, they are open for discussion, but at this point there is no conclusion.

**Ms. Cerilli:** Has the report gone to cabinet?

**Mr. Radcliffe:** No.

**Ms. Cerilli:** When is it going to go to cabinet?

**Mr. Radcliffe:** There has been no particular time fixed to refer this report to cabinet.

**Ms. Cerilli:** So is the minister suggesting that there may be some changes made to it before recommendations from the report would go to cabinet? Because the minister has said earlier, on the other issue that this committee had dealt with, that there is likely going to be some legislative changes, so obviously some decisions are being made with respect to the issues that this ad hoc committee is working with. I am wondering if there are going to be recommendations taken to cabinet with respect to this issue as well?

**Mr. Radcliffe:** I think that my honourable colleague is a little bit ahead of me on this, because I would not even say at this point that there will be legislative changes. I think that is precipitous at this point as well. I think that these are issues that are being discussed, and I think that is probably all I can say at this point in time. They are being discussed with regard to rent certainty. They are being discussed with regard to strict compliance and void versus voidability.

There are some needs, I think, in the market but because this is such a sensitive issue, this government is going very, very cautiously and very, very slowly on this. We want to make sure that we have figured out all the impact of any changes that we would make before we would be advancing them either to cabinet or representing them in legislation. We are not at that stage yet.

**Ms. Cerilli:** Okay. I know that when I have raised this in the past, the previous minister basically said similar things to what you are saying in terms of this issue. So I want to deal specifically then with the formula that is used in determining the rent guideline. This is something, I know, that is of great interest to these landlord groups, because the answer from government always comes back, well, inflation and all these other issues are considered in the formula for when they set the rent guideline, and there is a process for appeals for repairs and other costs by landlords to be considered and have an increase beyond the rent guideline.

So the big question always is, well, what is the formula for considering and how have you given these landlord groups or the members of your own committee assurances that these issues are worked into the formula?—because they are saying that they do not think that they are. They are saying that the cost of repairs and maintenance of these buildings are exceeding the revenue that they are bringing in through rents.

\*(1720)

**Mr. Radcliffe:** I am advised that the process is a similar process to that which the previous government—to the Filmon government—implemented. I do not think that there is any specific and hard and fast rules that are implemented that I could outline for the edification of my honourable colleague at this point in time other than to confirm the parameters that she herself has outlined to us, and this is what we traditionally tell the landlord groups when they come to meet with us.

I think that this is a matter that goes to cabinet, as my honourable colleague is aware. There is free-flowing discussion, and those are the parameters of the discussion.

**Ms. Cerilli:** Was part of the work of this committee to look at some research into some of the specific claims that some of the landlord groups are making? Have you looked at the availability of low-end rental accommodation in Winnipeg? Have you tried to do any financial and numerical analysis of their claims that the rent guideline has actually increased the rent beyond what the market would have dictated? Has any of that kind of research and analysis been done on this issue?

**Mr. Radcliffe:** I am advised that there was no financial analysis by the ad hoc group of the issues that you are specifically referring to. The department is always open to receiving representation from the property managers' organizations.

With regard to the issue of sustaining the low-end rental market above what it would normally, competitively demand in an unregulated market, which is, I think, the position that my honourable colleague is outlining, I would suggest that the impact of 20,000 units of public housing covers the need for this sort of housing which would diminish the competition for some of the regulated housing in the private industry, in the private market.

The one- to three-unit blocks right now do have the opportunity for functioning in the market, as do single units. So I would suggest that there is the flexibility over and above what my honourable colleague is referring to in the report of the managers that she is thinking about right now.

**Ms. Cerilli:** Well, as so often happens in these Estimates, the minister's answer has raised more questions than it has answered, so I am going to deal with the issues one at a time, because I want to focus on this whole issue of having some financial research and analysis, because I do not think that this issue can be resolved without that.

I am wondering if either CMHC, the Institute for Urban Studies, the Social Planning Council—there are a number of groups. Even Harvest Collective, in their focus on poverty, has started to do analysis and research on income and costs for housing.

I am wondering if any of these groups have been involved in this issue, or if you are collecting

information from the research of any of these other groups to help deal with this issue.

**Mr. Radcliffe:** I think that my honourable colleague is probably making the argument for me of the very position that I find myself in at this point in time, that I have received a report from an ad hoc committee. This has just been a recent development. Before government goes ahead with any further development of legislation or policy position, I think that the type of research that my learned friend or my honourable friend refers to should perhaps be implemented. Whether it be those groups, comparable groups, or different groups, I think that some sort of economic research should be effected before there be any policy papers presented to cabinet or legislation.

**Ms. Cerilli:** I am hoping that you are going to do that though. I am wondering how and where you are going to do that. I have not looked at the research branch for Consumer and Corporate Affairs, but I know that is the line that my colleague the member for Elmwood (Mr. Maloway) is on.

I guess that we could see if that is something that is going to be done through your own department, through the Research and Planning division or if you are going to have to rely on outside agencies to do that kind of research.

**Mr. Radcliffe:** I can tell my honourable colleague that the scrutiny which this legislation receives when going to my colleagues is very assiduous and that very little will get past the eye of a number of my colleagues on this until this sort of work has been done, or work of a comparable nature.

**Ms. Cerilli:** My question is who is going to do it?

**Mr. Radcliffe:** I have not got that far.

**Ms. Cerilli:** You have told me before that you have not taken any action on the report in terms of taking it to cabinet or taking recommendations to cabinet, so I think that this is one of the priority areas for the Residential Tenancies Branch. This issue, I think, needs to be resolved. I see that the minister is nodding his head. I am wondering when we are going to see

some action in terms of moving forward with this research.

\* (1730)

**Mr. Radcliffe:** I can tell my honourable colleague that over the course of this next year, I will be discussing these issues with my colleagues, and we will be developing a policy position on it. I hope that by the time we sit here a year from now that there will be draft legislation.

**Ms. Cerilli:** I am wondering what the landlord groups have to say about this issue, because their recommendation in the paper that they have put together is to completely eliminate the rent control guideline once someone moves. So if they stay put, a rent control guideline would apply. Then once someone moved from that apartment, that apartment would then be reverted to market rent.

Now, I do not know, maybe you do, how they propose to determine what that market rent is, particularly for the rental accommodations for the lower income, I guess, lower end type of apartments or housing.

So I am wondering if the minister has dealt with that issue with his committee or with his department. How is it that they would be able to determine what the market rent is, because they are saying that those are the apartments where the rent would actually be lower. So on the one hand then, they are suggesting that there would be a reduction in the rent. Once someone moved out of one of the apartments, then the rent would go down.

How would they decide what the market rent is, or how would one do that? Has that been discussed with this committee or with the landlord groups?

**Mr. Radcliffe:** I have not met with this ad hoc committee personally. I have not asked the landlord group how they arrived at that conclusion. I think it would be presumptuous of me to comment at this point in time on how they came to that conclusion. I am aware of the argument, and I think that my colleague does raise a moot point, a good point.

**Ms. Cerilli:** I am wondering if one of the other good points I might put forward and if the minister has considered this. The obvious question is what is the reasonable profit margin that these landlord groups are looking at, especially when we are dealing with lower-end, low-income housing or housing for low-income Manitobans. The minister has already raised the issue of social housing and public housing. I would suggest that part of the reason that as a country we have implemented policy for social housing is because you cannot make money off of housing low-income people. That is why we have social housing or subsidized housing.

So I am wondering if one of the questions you have put for your working group is what kind of profit margins they hope to make and if their profit margins have been changing in terms of the management of these private sector apartment complexes.

They are saying that they do not have enough money anymore to keep the value up and make repairs, but I am wondering how their profit margins have been affected.

**Mr. Radcliffe:** The rent guidelines, the rent control assumes that they have grandfathered or grandparented the same margin of profit that existed when the guidelines came into place. The rent control people do not take into account anything more than what was there originally to maintain the status quo.

The increases are set by cabinet, as you know, and there are guidelines. The issues that are before the rent control people are with regard to increase in costs, and that is the only issue that is debated or discussed and taken into consideration.

The landlords do tell us that, as you have advanced, their profit margin is diminishing. What that profit margin is, they do not share with us.

**Ms. Cerilli:** Is that not a question that the minister or through the ad hoc committee or when he meets with these groups, is that not something that is raised or is asked, this issue of the amount that they are continuing to generate?

I would think, then, breaking it down between different levels, sort of high-, mid-end, and low-end, in

terms of the kinds of rental accommodation that we are dealing with, to take a look at what the margins are—I mean, I have statistics that show that it is lower-income people who are paying often more than 50 percent of their income into rent. What ends up happening is lower-income people, because of the nature of the situation that they are in, are often paying more in rent, particularly dealing with low-end accommodation where the landlord is bringing in more than twice than what he is paying on the mortgage, and low-income people are paying more than 50 percent of their income for rent.

So the picture that gets painted here is that certain landlords are doing extremely well, low-income people are not getting adequate housing, and they are paying an awful lot of money for it. Now, I know some of the groups that are presenting their proposals to you claim that they do not represent some of those kinds of landlords, but all of these properties are being affected by the rent guideline.

What I am asking is if the minister is getting some of this information from landlords about the profits that are being made on the different types of accommodation in our province.

**Mr. Radcliffe:** I am told that right now the landlords advocate—and this is the information they are giving us—that 60 percent of the rent dollars are allocated to operating costs; 40 percent of the rent dollar that they receive goes to capital improvements. Now, at this point in time—yes, 60-40 split.

\* (1740)

I am just repeating to you what the landlords tell us. This is not anything that either the department is saying nor has this been the fruit of any research or economic analysis. There has been no research done to sustain the outline that you have just given us, other than I know myself from common sense, from having been a solicitor and working with members of the public, that people at the lower economic end of the scale do proportionately spend far more on accommodation, on housing, than somebody at the upper end.

The rent scale covers accommodation from zero to, I think, \$950 or \$970 a month, so that it catches in its

net all ends of the spectrum. But we are in possession of no information to either sustain or to deny the argument that you have advanced.

**Ms. Cerilli:** I just want to make it clear again that I am not supporting what these groups are suggesting, but I am wanting to see this issue resolved, and I am wanting to see some hard research and analysis done, because if there is any ground to their claim that lower-income people are being penalized by these rent control programs, I think that is a serious issue.

From the answer the minister just gave, he is saying that the landlords are claiming that they are getting no return on their investment right now. [interjection] No. But he said that their 60 percent is going to operating costs and 40 percent to capital improvements, so I wonder if he can clarify that.

**Mr. Radcliffe:** In a previous answer, I had said that the original status quo of the return on investment from 1975 or 1992—actually, I guess it would be 1975 when these rent controls came in—would be the return that has been rolled forward.

Now, as you can understand, as well, and appreciate the landlord's position that a 1997 dollar is nowhere near worth what a 1975 dollar is worth, and this is the argument that the landlords are making. There is no allocation for return on investment in the discussion that goes on annually for the suggested rent increases.

As you are aware, I think the last two or three years, it has been a 1 percent rise each year, but I would be very interested that if we could bring some figures to the table which sustained this argument, would my honourable colleague be in favour then of reviewing and changing the rent regulation with regard to these lower-end rental units?

**Ms. Cerilli:** I am sure that the minister knows that this process means that I ask the questions and you answer them, even though you are a new minister. I am wondering if one of the things that you have considered in dealing with this is having a graduated rate for the rent control guideline, if the higher-end rental accommodations toward the cap of, I think it is \$970, would have a higher percentage as the rent guideline, and the lower-end ones would have a lower percentage,

so it is a graduated guideline, if that is something that has been discussed or considered either in his discussion with his colleagues in the department or with the ad hoc committee?

**Mr. Radcliffe:** It certainly has not been discussed yet, but I think it certainly is a very reasonable proposal.

**Ms. Cerilli:** I am beginning to wonder what the workings of this ad hoc committee have been because a number of the issues that we have discussed here have not been discussed at that committee, so I would really like to see what is in the report and what has gone on in the meetings.

How many meetings have there been with this ad hoc group? What has been the nature of the discussions with the staff in the department? The minister said that he has not met with them himself, so I am beginning to get more worried about the workings of this group for relying on them to resolve this issue in some way.

**Mr. Radcliffe:** I am told that there were between 10 and 12 meetings of this ad hoc committee. The report was prepared approximately a month ago, and the prime focus of the report was rent certainty. It was not to do with either the transparency of the rent increases, the attribution of profit or the distinction between capital equity reward and operating costs. These issues were discussed, and I am told that the director, through the process of the meetings, kept bringing the groups' attention back to the issue of rent certainty, which was the mandate for this group.

**Ms. Cerilli:** Well, I thought one of the tasks of this group was to deal with the proposal that rent controls are skewing the rental economy. Is that not correct, because I am understanding that the minister had said that the same ad hoc committee was dealing with both issues, both the issue of certainty in the rent reports that are needed in the industry, as well as this whole issue of rent controls.

**Mr. Radcliffe:** There is only one committee. The committee was mandated to do rent certainty, and if I have misled my honourable colleague, I would apologize on that. The issue of distinguishing the rent increases was a topic that was discussed but did not form any part of the recommendations or report. This

is the only committee that has been struck at this point in time.

I can advise my honourable colleague that there is provision for another group made up of landlords and tenants that is available to advise the minister through the course of meeting with the director. That committee has not met for a number of years. It is my proposal that this committee should meet in the future and supply me with information that I would request from time to time.

**Ms. Cerilli:** I thank the minister for that answer. I would like to continue with this tomorrow, I guess, but I know that the member for Osborne has some specific questions that she wants to ask.

\* (1750)

**Ms. Diane McGifford (Osborne):** Yes, I want to ask the minister about a letter I wrote to him on April 2. The letter dealt with a woman named Jenny Pettigrew, and also I was writing the letter on behalf of COVAW, Coalition Opposing Violence Against Women. I do not know whether the minister recalls that Jenny Pettigrew had been forced to flee her apartment because of domestic violence. The minister is nodding his head. So I do not know that I have to review the whole situation. I am wondering what has been done in regard to this case.

**Mr. Radcliffe:** I thank my honourable colleague for that question. I can tell her that I would not want to comment any further on the actual adjudication of this particular issue. This issue was decided. There was an adjudication made on the particular facts, but the policy, I guess, which my honourable colleague I think is pointing to, is what flexibility or what sort of interference should there be in cases of domestic violence to cancelling landlord and tenant contracts has been referred to the Family Law branch. I am awaiting a response from them at this point in time.

**Ms. McGifford:** I want to thank the minister for his answer. Indeed, Ms. Pettigrew is not disputing the adjudication, although she probably is in her heart. She is concerned about other women who may be affected in similar kinds of situations. She feels, and the Coalition Opposing Violence Against Women feel, I

certainly feel, and I am sure many of my colleagues feel that the current situation does not give an abused woman much room for maneuvering, if any at all, and that it is probably for that reason quite unfair. So that was the matter that I wanted to bring to the minister's attention. I am very glad to hear that it has been referred to Family Law. Thank you, and I will certainly wait to hear more about this case.

**Mr. Radcliffe:** I thank the honourable colleague.

**Ms. Cerilli:** We have approximately five minutes, and maybe we can just continue on in this vein dealing with this policy area. I am not as familiar with the specifics of this particular situation. Was there a restraining order in this situation? Is the minister aware of that, and what is the requirement under The Landlord and Tenant Act in either case? If there is a restraining order it is pretty obvious, but how would the landlord be notified if there is a restraining order if the situation is that previously this was a couple? Is that correct? So previously this was a couple. It would be understandable that the landlord would then perhaps even know both partners. If one of them came to his door and said, I have locked myself out, can you let me in, and would not know that there has been domestic violence occurring, then this is a very large issue for public policy even beyond this particular case.

So my question would be: In the case of there being a restraining order, how would the landlord be informed so that they would know not to let the partner have access to the suite?

**Mr. Radcliffe:** I do not want to comment on the particulars of this particular issue, but on a general policy basis, I think it would have to be from a very common sense point of view that if a particular partner obtains a restraint order against a former partner who is a co-tenant, then it behooves that particular individual to notify the landlord and give the landlord particulars of that order as soon as it is obtained.

**Ms. Cerilli:** So what the minister is saying then is that the responsibility lies with the tenant. Ninety-nine percent of the time in domestic violence, that is going to be the woman who must provide information to the landlord that her previous partner has a restraint order, and they are not to be let into the building or into their

apartment. Is that correct? Is that what the minister is saying?

**Mr. Radcliffe:** That is the current status of the law. I can tell my honourable colleague that when I was in practice in the private bar and doing domestic litigation, that was my practice.

**Ms. Cerilli:** I am wondering if this is one of the areas that is being covered in the course that we were talking about previously, requirements and rights and responsibilities under The Landlord and Tenant Act, something I think that probably a lot of people would not think of in terms of the kinds of situations that could arise in the relationship between landlords and tenants. So that may be something to look into.

I also want to clarify what the situation would be if there was no restraint order. Maybe I will let you answer the first question first, one at a time.

**Mr. Radcliffe:** This is not in the education package at this point in time, no. I think that my honourable colleague raises a very good point. I would add as well that I think this is an issue that should be introduced and circulated in the legal milieu and in the advocacy groups as well.

**Ms. Cerilli:** I am wondering too if the Justice program, the Women's Advocacy Program would also benefit from that information. Then my other question is: If there is no restraint order, maybe there has been involvement of the police, maybe not, but there is a domestic violence situation, and one of the tenants then goes to a landlord and says, do not let so and so in anymore. What is the provision under the act, or what is the responsibility of the landlord in that case? How would that situation be dealt with? Because we often have women, particularly—we know the statistic that there have to be numerous violent episodes before the police are involved. So there may be a number of situations that occur where the woman, the victim, would inform the landlord potentially before they would inform the police.

I am wondering, in that kind of a situation, what is the responsibility of the landlord, especially if the violent partner had previously been a tenant, or may in fact still be a tenant legally on the lease.

**The Acting Chairperson (Mr. Dyck):** Order, please. The hour being 6 p.m., committee rise.

## CHILDREN AND YOUTH SECRETARIAT

**The Acting Chairperson (Mr. Gerry McAlpine):** Good afternoon, will the Committee of Supply please come to order. This section of the Committee of Supply has been dealing with the Estimates for Children and Youth Secretariat.

We are now on Resolution 34.1, item 1. Children and Youth Secretariat (a) Salaries and Employee Benefits \$434,400—pass; (b) Other Expenditures \$144,000—pass; (c) Less: Recoverable from other appropriations (\$336,100)—pass.

Resolution 34.1: RESOLVED that there be granted to Her Majesty a sum not exceeding \$242,300 for the Children and Youth Secretariat, for the fiscal year ending the 31st day of March, 1998.

Item 34.2 ChildrenFirst Initiatives \$500,000—pass.

Resolution 34.2: RESOLVED that there be granted to Her Majesty a sum not exceeding \$500,000 for the ChildrenFirst Initiatives, for the fiscal year ending the 31st day of March, 1998.

This now completes the Estimates for the Children and Youth Secretariat. The next set of Estimates that will be considered by this section of the Committee of Supply are the Estimates of the Department of Environment. Shall we recess briefly for a five-minute recess?

*The committee recessed at 3:36 p.m.*

---

## After Recess

*The committee resumed at 3:40 p.m.*

## ENVIRONMENT

**The Acting Chairperson (Mr. Gerry McAlpine):** Order, please. Will the Committee of Supply please come to order. This section of the Committee of

Supply will be considering the Estimates of the Department of Environment. Does the honourable Minister of Environment (Mr. McCrae) have an opening statement?

**Ms. Rosann Wowchuk (Swan River):** I wonder whether we might have permission to sit in other seats other than our own and whether it would be the will of the House that those members who choose to sit rather than stand while they make their statements, if that would be acceptable.

**The Acting Chairperson (Mr. McAlpine):** Is there leave of the committee to sit in other seats other than their designated seats in the House and to sit while speaking rather than standing? Is there leave? [agreed]

**Hon. James McCrae (Minister of Environment):** I was going to say since it is all right with the honourable member for Gimli (Mr. Helwer), it is all right with me.

**The Acting Chairperson (Mr. McAlpine):** I thank the honourable minister for that. Does the honourable Minister of Environment have an opening statement?

**Mr. McCrae:** I do, Mr. Chairman, thank you. I am pleased for my very first time to present the 1997-98 Estimates of the Department of Environment. I trust that honourable members will have had an opportunity to review the Supplementary Information for Legislative Review document prepared by the department.

Before proceeding with an overview of the activities of the department for 1996-97—actually, before proceeding with an overview of the proposed activities for 1997-98, I would like to acknowledge the dedication and the effort of all departmental staff in working to fulfill the mandate of the department. I was pleased to have been welcomed to the Department of Environment by a very dedicated staff committed to the environmental protection of our province. Of course, at this particular time it, is a difficult time for all Manitobans, but certainly environmental personnel are poised to play their rightful and appropriate role when it comes to the aftermath of the present crisis.

The mission of the Department of Environment is to ensure a high quality of environment for present and

future generations of Manitobans. Of course, it goes without saying that we want to make our environment the best we can for ourselves, but in everything we do we should have in mind those people who come after us.

The department continues to pursue a number of specific strategies such as the harmonization of effort at the national level through the Canadian Council of Ministers of Environment, the building of partnerships with local governments, provincial departments, industry, et cetera, focusing on regional solutions, developing innovative approaches to enforcement, working with partners to prevent pollution before it occurs, reducing waste with an emphasis this year on the recycling of used oil and filters and containers, placing greater reliance on targets, objectives and standards rather than prescribing specific technologies or approaches, extending resources through involvement of others using delegation and empowerment, using financial instruments in licences and orders to ensure clients' respect, comply with and practise environmental stewardship, striving to provide quality service to all departmental clients.

The department's continuous improvement vision is to deliver the highest quality of service to achieve the best value for tax dollars. The focus is on satisfying needs as identified by clients. The following continuous improvement priorities have been identified for the next three years. With respect to training, Mr. Chairman, the department will be focusing specific training effort in the following areas: specialized training in areas such as process re-engineering, process improvement or qualitative research, performance measurements specifically to evaluate the overall effectiveness of the continuous improvement initiative; augmenting knowledge, skills and abilities in areas such as change management, quality improvement, conflict resolution, mediation, customer service, teamwork, other core knowledge and skills that departmental staff will require to do their jobs today and in the future. Continuous improvement-related training will become part of the core competency that is expected from all staff. Continuous improvement is not viewed as a separate activity, nor will the related training be treated separately—and management-focused training, problem solving, client orientation, program performance measurement.

With respect to planning, Mr. Chairman, a continuous improvement strategic plan linked to the department's strategic plan will be developed to guide all of the department's continuous improvement efforts. All staff will have opportunity to participate in its development and will share in the responsibility for carrying it out.

Mr. Chairman, with regard to recognition, various recognition activities will be continued or implemented, including the provincial environment employee recognition award. This initiative will be continued. Again this year the department will be holding recognition days to formally recognize exceptional employee or organizational performance. There will be a quality award follow-up in the areas of recognition, performance, management and communication about recognition.

Concerns or suggestions identified in the striving for excellence award feedback report will be reviewed and followed up. Discussion will ensue with Environment Canada and the Canadian Council of Ministers of Environment to determine if collaboration and participation opportunities exist respecting recognition specifically and continuous improvement generally; and, with respect to external recognition, opportunities to recognize clients will be explored. There will be an implementation plan to address communication-related concerns raised in the quality award feedback report. That plan has been prepared, and implementation will occur during this fiscal year.

The department is committed again to solicit its clients and employees for their input respecting departmental operations and program activities and to identify improvement opportunities. An employee survey team has been struck to plan or carry out this initiative. The team will be tasked with formulating questions, identifying clients to be solicited, collating the information, interpreting the results and writing the reports, and it is expected that this task will be completed by May 31.

After the client-employee survey has been concluded, the department will be organizing a workshop to focus on how to innovatively respond to the survey results. It is expected that this workshop will be held during early fall 1997, and will be a key source of input into

development of the department's 1998-99 business plan.

My officials and staff of Environment Canada in Winnipeg and staff of the Canadian Council of Ministers of Environment are now co-located at the Via rail station at 123 Main Street. Manitoba Environment will maximize this co-location with Environment Canada and with the Canadian Council of Ministers of Environment.

The following specific activities will be carried out. A number of specific program-integration and additional cost-saving opportunities will be explored and implemented: administrative and financial services, including human resources and information technology, dangerous goods and hazardous waste inspection activities, emergency response services, ambient monitoring activities. Other cost-saving opportunities will be explored and implemented where that is feasible in the following areas—and this makes a lot of sense, I believe. Photocopiers, vehicle use, joint field equipment use and replacement and other joint program-delivery opportunities will be pursued as new programs are considered.

I just earlier today had the opportunity to be present at the unveiling of a new virtual office respecting environment industries, Mr. Chairman, and that is a partnership between the federal and provincial Environment departments, as well as universities and the industry itself, an excellent opportunity to use far more effectively the resources that are out there and to make available to everyone, including the honourable members opposite, the opportunity to get information and to get it quickly and at any time of the day or night through the Internet. It is a great use of technology which now exists.

\* (1550)

The department will continue in the 1997-98 year actively to review and amend many of its existing regulations to ensure their conformity with the criteria set out by the regulatory review committee. This follows from the zero-based regulation review that this department and all others carried out in 1995-96. This is an opportunity to ensure that obsolete regulations are updated or discarded and efficiencies made which are

compatible with the department's goal of protecting human health and the environment. Any significant amendments made through this process will continue to involve stakeholder and general public consultation. That is, I believe, a hallmark, not only of this government in general, but in particular of the previous Minister of Environment and now the Minister of Natural Resources (Mr. Cummings) who, for many years, presided over the Department of Environment and did so with significant distinction, I suggest.

Administrative fees for permits, licences and orders under The Environment Act and The Dangerous Goods Handling and Transportation Act were implemented to facilitate overall fiscal responsibility. This year we expect to address a number of legislative and regulatory matters, for example, The Contaminated Sites Remediation Act. That was passed in the last session of the Legislature, and we plan on having it come into effect this year. This act provides a comprehensive process for dealing with all aspects of contaminated sites including site investigation, site designation, site remediation and the issuance of certificates of compliance once remediation has been completed.

There are four features of this act which I believe are of significant interest. It establishes a fair and equitable process for determining who should be responsible for site remediation. The degree of any cleanup required is based on the amount of risk to human health or the environment presented by the site and the cost associated with the cleanup are to be allocated based on the relative degree of responsibility for the contamination, the establishment of a registry of contaminated sites for Land Titles and municipalities so that there is adequate information available for purchasers prior to land transactions.

Liability for remediation will be based on the polluter-pays principle. This is of particular interest to lenders as they will not be held responsible for remediation merely because of their lending activities. Ideally, this will have a positive effect on lenders' willingness to advance loans to entrepreneurs and industries dealing with chemical products, for example, gasoline. In a similar vein, municipalities will not be responsible for the remediation of a site which they have involuntarily acquired through a tax sale. All of the refinements provided by this act should help us to

redevelop contaminated sites in Manitoba, many of which would otherwise remain boarded up or sit undeveloped and unused.

There will be a review of The Dangerous Goods Handling and Transportation Act. In the 1997-98 year, the department will be undertaking this review. Although the act has served us well since it was enacted in 1984, there have been many changes in this field in the past 13 years and they need to be addressed.

As we undertake this full-scale review, there will be opportunities for major revision if they are considered necessary. Some of the issues that we will be considering include whether there should be greater emphasis placed on pollution prevention, whether there should be more encouragement given to onsite disposal and hazardous waste recycling, whether some less hazardous waste, such as used oil, used batteries and used asbestos, should be given different treatment under the act. If so, what rules should apply? And how do we encourage more recycling of household hazardous waste? To ensure this review is thorough, as usual we will be seeking stakeholder input. That is the success of what has been going on in environmental endeavours in Manitoba in the last few years. It has involved stakeholders to a degree, I think, not seen in recent history.

There will be a review of the waste disposal ground regulations. The department has initiated this review. The regulation under The Environment Act was registered in July of 1991, and the review was commenced as a result of concerns expressed by municipalities on the site classification system utilized, the various setback distance requirements contained in the regulation, and the department's policy of regular review of legislation it administers.

A review committee of representatives from the department, from the Manitoba Association of Urban Municipalities, and the Union of Manitoba Municipalities has been established and is in the process of undertaking this review. It is anticipated that a final draft of the revised regulation will be completed by the end of this year.

A matter of significant interest, as I was reminded very recently as I participated on an open-line talk

show, is the issue of livestock waste and the regulation thereof. Under The Environment Act that regulation is also under review. That regulation was passed in 1994. The department has received an increase in the number of complaints associated with these types of operations, and the enforcement of some specific clauses has been problematic. In addition, there is now a more comprehensive understanding of agriculture techniques to mitigate potential environmental problems caused by livestock manure application.

There has also been growing support for regulatory changes from municipalities, industry, within the department, and from the public. From an environmental perspective the waste produced by livestock operations requires some additional management in order to ensure sustainability of both agricultural operations and the environment. A departmental committee has prepared a document entitled *Our First Thoughts*, which addressed concerns expressed to the department by its clients. A consultation process is underway, and this document has recently been widely distributed for comment from industry, the public, municipalities and others.

With regard to the environment accident-reporting regulation, this regulation under The Dangerous Goods Handling and Transportation Act requires revision to bring it up to date and to improve its enforceability. These revisions are planned for the upcoming fiscal year. With respect to the storage and handling of petroleum product regulation, a proposed new regulation will replace the existing one. The new regulation will, in large part, adopt the recently produced CCME environmental codes of practice for underground and aboveground petroleum storage tanks. These codes of practice deal with most aspects of the construction, siting, and safe operation of the tanks. The regulation will also require petroleum tank installers to be properly trained and licensed. A significant feature of this regulation will be the ability to require upgrading or removal of tanks that are out of service or past a certain age.

With respect to the North American Agreement on Environmental Cooperation, also known as the NAFTA environmental side agreement, Manitoba formally signed on to this agreement on January 21 of this year, joining Quebec and Alberta as the first three provinces

to do so. I was the minister who was given the honour of representing Manitoba on that occasion. For over the 1997-98 year, our department will become a more active participant in the many important trade and environment issues to be dealt with by the jurisdictions which are parties to this agreement. This way we can better ensure that Manitoba's interests are protected.

With respect to administrative monetary penalties in this fiscal year, the department will further explore the possibility of implementing a process for these penalties. AMPs, otherwise known as Administrative Monetary Penalties, are penalties imposed by the department when an individual fails to comply with legislation. We feel that this initiative would be a good alternative to court proceedings for many minor offences. The benefits of this type of system include the fact that it is cheaper to operate, because it reduces costly case preparation and court time, and it is more efficient so cases can be dealt with more quickly.

If we decide to proceed in this direction, it will only be after extensive stakeholder consultations have been held. An AMP program has been successfully implemented in Alberta as well as in several other jurisdictions. AMPs will complement, not replace, the existing ticketing and standard form prosecutions we presently have in Manitoba.

With respect to Shoal Lake, my department continues to monitor water quality at Shoal Lake. We are working with Ontario and the City of Winnipeg to ensure that any proposed developments go through stringent reviews with the full participation of Manitobans. We will continue to be in close communication with Ontario Environment and remain as active as required in the actual review.

\* (1600)

There has been much talk in recent years about harmonization. Manitoba continues to be committed to effective environmental management in Canada, including the efficient use of the collective resources of all jurisdictions. We are continuing to take an active, in fact, leadership role in the continuing negotiations to harmonize environmental management in Canada. An accord and three subagreements respecting inspections, standards and environmental assessment are expected

to be signed in May at the CCME meeting. Well, I am not so sure about that CCME ministers' meeting now, what with an election having been called, we are now in the midst of an election campaign. It may not be the best time for that type of discussion, but I have not heard anything yet on that point, so we will await further dialogue with the other CCME ministers on this point. Further subagreements related to monitoring and research and development will be negotiated after that.

There will be a review of a Canadian Environmental Protection Act in line with our goals on harmonization. We are working with the other provinces and the federal government to ensure that there is an effective process in place for the control of toxic substances in Canada. In this regard we have been taking an active role in national discussions respecting the review and rewrite of the Canadian Environmental Protection Act, and the federal government is about to table for the second reading a revised copy of the act. Well, that is not going to happen either, is it?—with an election call just having been made.

My department continues to respond to numerous environmental emergencies. I think we are living through the big one right about now, and there will be much to be done in the aftermath of that. During the 1996 year, the department received 551 calls through the emergency system involving 410 environmental accidents. We will continue to dedicate required resources to this area to ensure that incidents of that nature continue to receive priority attention.

As part of the government's support of sustainable development, my department maintains a strong commitment to making pollution prevention the environmental management strategy of choice in Manitoba. To provide focus to this shift, the Pollution Prevention Branch carries out a variety of programs intended to promote the application of practices that avoid the creation of waste and pollutants. Last November, the 1996 Waste Reduction and Prevention Report was released to highlight the key achievements that have taken place to minimize waste in Manitoba and to identify the key initiatives that are underway to allow us to reach the goal of 50 percent waste reduction by the year 2000.

Looking back to 1991, there was a high level of enthusiasm among a core group of recycling enthusiasts

but not much opportunity for widespread community participation. The overall level of recycling remained marginal and the danger of volunteer burnout was high, questioning the long-term sustainability of the recycling initiatives that did exist. An unprecedented expansion in the level of recycling activity from 1991 to 1995 demonstrated that the willingness and ability to minimize waste existed in Manitoba. This strong expression of initiative was actively supported by the Sustainable Development Innovations Fund, which over this period invested over \$6 million in over 200 waste management-related projects covering areas such as recycling, infrastructure development and regional recycling initiatives, education and awareness, composting, regional waste management and market development. The goal of establishing a sustainable foundation for making progress towards the 50 percent waste-reduction target is being met through the changes in how responsibilities for waste minimization are maintained and viewed. Overall, Manitoba achieved a 20 percent reduction in waste going to landfill between 1988 and 1994. The estimated amount of waste generated per capita, according to a recent Environment Canada review, is now approximately 790 kilograms compared with the estimate of 1,000 kilograms in 1989. This is a good indication that the strategies that have been put into place are moving us in the right direction. It is not an indication that we have arrived, but it is an indication that we are going in the right direction.

The creation of stewardship programs such as the Manitoba Product Stewardship Program and the Tire Stewardship Board have been critical in this transformation. As of 1997, virtually all tires are being recycled, and over 85 percent of all Manitobans now have access to multimaterial recycling services. Our experience with the recycling of tires provides an excellent example of how we have been able to patiently develop sustainable programs to resolve our waste problems. The recycling of tires is now a common practice in Manitoba; virtually all of the tire stockpiles that have been eliminated from waste disposal grounds and storage yards in the province. Tires are being processed into a variety of products locally, and a burgeoning new industry has been established to collect, process, transport, manufacture and market new products. The program elements and the technologies that have been adopted in Manitoba to process tires are being adopted by other jurisdictions,

including Saskatchewan, the Maritimes and the United States.

Over \$200,000 has been paid to municipalities that recover used tires at the landfill since the program began in 1993, and over \$4 million has been paid to tire processors that have manufactured a product from the discarded tires such as rubber pads, sidewalk blocks, door mats, docks, floats, or have sent the tires to an energy-recovery facility. Currently, 50 percent of the used tires processed are sent for energy recovery. The Tire Stewardship Board is taking steps to reduce dependence on this market and encourage value-added processing locally by investigating new market opportunities.

The program is managed outside of government. The funds that are collected through a levy at the point of sale go directly to a waste reduction and prevention fund that is dedicated to used tire waste minimization and management. My department ensures the accountability of this program. In 1998, the Tire Stewardship corporation will be submitting a new business plan. In reviewing this plan, I will be ensuring that the program will continue to operate efficiently and effectively. Similarly, the Manitoba Product Stewardship Program has provided a basis for sustaining recycling throughout the province to the point where 130 municipalities now operate registered multimaterial recycling programs, 130 municipalities. This means that 90 percent of Manitobans now live in serviced areas. Over 15,500 tonnes of MPSP-eligible materials were collected in 1995 through expanded municipal recycling systems. This more than doubled the reported tonnages in 1994. Recovery is projected to reach over 30,000 tonnes in 1996-97. When you think of what was happening not so many years ago, Mr. Chairman, this is extremely positive.

\* (1610)

In 1998 a new business plan will be prepared and submitted by the Manitoba Product Stewardship Corporation. My department will be working with the corporation to ensure that this process works smoothly. The objective for the new plan is to have a broadened funding base for recycling programs, as well as expansion in the industrial, commercial and institutional sectors. In addition, we will be looking to

have even higher rates of participation and material recovery achieved. While building on established stewardship initiatives is the first element of the 1996 WRAP Strategy Report, the second component is the building of new initiatives.

In 1997, a stewardship program for the management of used oil, filters and containers will be introduced in Manitoba. About 41 million litres of lubricating oil is sold each year in Manitoba. Only 6.3 million litres is currently being collected of an estimated 23 million litres which may be available. The department is consulting with a stakeholder group to develop an appropriate Used Oil Stewardship program for Manitoba and to implement this program in a timely manner. Stakeholders include municipal governments represented by UMM, MAUM, the City of Winnipeg; public interest groups like the Recycling Council of Manitoba, the Canadian Automobile Association, and the Manitoba Environmental Council; and industry, Canadian Petroleum Products Institute, the western Canadian task force, Canadian Tire, Esso, Nemco Resources, filter manufacturers and others.

Close communication with other provinces is being maintained to encourage harmonization to the greatest degree possible. Key elements of the department's used oil initiative have included: road oiling was banned in the fall of 1994, space heaters using used oil will be more closely controlled; review the classification of used oil as hazardous waste; examine requirements for improving the economics of collecting and marketing used oil. A used oil filters and containers stewardship proposal will be released for consultation later this year.

In addition to the Used Oil Stewardship program, other initiatives that the department will be focusing its attention on will be in the areas of composting and organic waste management, household hazardous wastes, construction and demolition wastes and used building materials. Major gains can be achieved in waste reduction through composting of organic materials, which represent up to one-third of the waste system, and by diverting construction wastes to useful purposes.

Increased opportunities to properly manage household hazardous wastes will be pursued through

stewardship initiatives being proposed by the household hazardous waste industry stewardship committee. The regulation requiring the establishment of industry-managed stewardship programs as a condition for selling these products in Manitoba will be adopted shortly.

The biggest shift in Manitoba's waste reduction strategy is the third Waste Reduction and Prevention Strategy component to focus on reducing waste at source, the first "R" of the three "R" hierarchy of waste reduction: reduce, reuse and recycle.

While there have been important accomplishments in reducing waste by individual businesses, organizations and households, additional gains in overall waste reduction will require new approaches targeting the industrial, commercial and the institutional sectors.

In order to shift emphasis towards the prevention of waste and pollutants in the first place, the following will have to be achieved: raise awareness of opportunities and benefits; support the application of waste and environmental audits; support application of pollution prevention techniques; establish a recognition program for achievements in pollution reduction; and restructure incentives to promote pollution prevention. Accomplishing this means working in close partnership directly with generators of waste and pollutants.

In 1996, my department co-operated closely with the Alliance of Manufacturers and Exporters Canada under a memorandum of understanding committed to raising awareness and developing methods to improve environmental performance and competitiveness. Information materials, success stories and procedures for conducting site audits have been prepared, and plans are now underway for broader application in Manitoba businesses. I am optimistic that the encouragement of voluntary initiatives to prevent pollution will be an effective complement to my department's existing compliance enforcement programs.

Another initiative that is currently underway to enhance the management of waste in Manitoba is the effort to develop a waste management strategy in the Capital Region. Since the waste disposal ground regulation was enacted in 1991, there has been

increasing pressure to close substandard waste disposal facilities. Currently there are an estimated 27 waste disposal grounds in operation in the Capital Region serving a population of approximately 700,000. Each local government is responsible for providing waste management services to meet the needs of their municipality. Several regional projects have been undertaken in the past several years. The Capital Region includes the city of Winnipeg, the towns of Selkirk and Stonewall, and 13 rural municipalities: Cartier, East St. Paul, Headingley, Macdonald, Ritchot, Rockwood, Rosser, St. Andrews, St. Clements, St. François Xavier, Springfield, Taché and West St. Paul. Following the 1995 Clean Environment Commission hearings on solid waste management in the Capital Region, the Capital Region Committee began work in this area. The first phase of its effort, the preparation of an inventory of facilities in the region, has been completed with the co-ordination of my department in this effort. The next phase, the preparation of a strategy, is now underway.

I am pleased to confirm that the Environmental Youth Corps program will operate again in 1997-98, and they are going to have lots of work to do this year. The program offers Manitoba's young people an opportunity to prepare for environmental challenges of tomorrow by helping them gain valuable education and experience today. The Environmental Youth Corps encourages youth to volunteer for projects to improve and protect Manitoba's environment. Youths participating in these EYC projects are provided opportunities for hands-on learning experiences leading to increased knowledge and awareness of environmental matters. The Environmental Youth Corps program allows youths the opportunity to be involved in a variety of environmental activities which may otherwise not occur. Environmental projects eligible for funding to a maximum of \$5,000 include, but are not restricted to, water quality, waste minimization, protection of flora and fauna, rehabilitation of the natural environment, wildlife conservation, and habitat preservation, tree planting and composting. The program focuses on maximizing the involvement and participation of youths in environment-related projects throughout the province of Manitoba. During the last six years, \$808,707 have been provided to 318 community projects involving over 31,000 youths. During the 1996-97 fiscal year, a

total of 43 projects received EYC grants totalling \$139,439 and involved over 5,000 youths. The EYC program is administered by Manitoba Environment with support from Manitoba Education and Training and the Sustainable Development Co-ordination Unit. This partnership provides for efficient and effective program delivery through the use of existing infrastructure and resources.

Manitoba Environment is working with other Canadian jurisdictions to develop a national water quality index that could be used to better assess and communicate complex information on water quality to the general public, water quality managers and other scientists. One index has recently been used in Manitoba with success. Water quality indices will assist in reporting on progress made toward environmental sustainability. Manitoba Environment will be undertaking water quality studies and activities aimed at getting a better understanding of impacts caused by expansion of the agriculture industry in Manitoba, such as increased livestock production, increased irrigation needs, additional wastes generated from food processing industries, et cetera. One major study was completed last year regarding runoff from fields during spring melt following the application of hog manure during the winter on snow-covered fields, and additional studies will be undertaken this year.

This spring, my department will be releasing the fourth State of the Environment Report. Manitobans are asking questions about the sustainability of our province. This document intends to keep them informed, trying to link environmental conditions with socio-economic factors, reflecting the interdependent relationship that exists between humans and their environment. The 1997 State of the Environment Report is to be a transitional report from the traditional State of the Environment reporting towards a full sustainable development reporting. The report presents the information through the use of trend data, environmental indicators and indicators of sustainable development. An important characteristic of the indicators of sustainability is their capability to integrate the economic, environmental and social aspects of sustainability into a single indicator. The International Institute for Sustainable Development has contributed in the development of these indicators. Refinement of the indicators will draw on provincial,

national and international efforts to better develop, understand and measure sustainability. This report is an example of the Manitoba government commitment to sustainable development.

The department is currently responsible for about 1,450 licensed operations in the province. These operations are obligated under the terms of their licences to meet certain environmental and health conditions. A number of the key areas of focus in this regard include increased environment act licence enforcement respecting forest management activities in support of the sustainability of this industry, including audit of the Louisiana-Pacific air-monitoring program, continue to give priority attention to addressing Flin Flon air-quality concerns, placing increased emphasis on ambient water-quality monitoring to ensure this critical resource is protected, regularly inspect all licensed sewage treatment plants to ensure compliance. A risk-based approach will be implemented with respect to environment act licence enforcement to ensure that departmental resources are targeted at those operations posing the greatest risk or concern.

\* (1620)

The department in conjunction with related partners, such as Manitoba Health, local governments, water plant operators in the Manitoba and Canadian Water & Wastewater associations, will take all measures necessary to protect and ensure the quality of all Manitoba drinking water sources. The following activities will be undertaken: The development of a risk assessment protocol to determine the need for, or frequency of, inspections or sampling with regard to water supply sources, enter into partnerships with the industry, such as the Canadian Water & Wastewater Association relative to playing a more active role in the operation of facilities. Through regulatory review, a number of regulatory processes will be streamlined with more authority being delegated to environment officers and public health inspectors. Improved operator training will be pursued. Mandatory training will be considered. Local entities will be encouraged to take a greater interest. Those who use the water need to be more involved. Partnership opportunities with the Union of Manitoba Municipalities, Northern Affairs, First Nations organizations, seasonal operations in the Parks Branch will be explored and conduct northern

community water and sewage treatment plant operator training sessions in conjunction with Northern Affairs.

Now, I apologize to the honourable member for the length of my opening remarks, but I felt that for the benefit of herself and myself and all of us, Mr. Chairman, that it would be useful certainly as a new minister to present that type of an overview. So I hope that has not inconvenienced honourable members unduly, but that concludes my opening remarks with respect to the department's 1997-98 Estimates. I look forward to the review of these Estimates. Thank you.

**The Acting Chairperson (Mr. McAlpine):** I thank the honourable minister for those comments. Does the critic for the official opposition, the honourable member for Swan River, have an opening statement?

**Ms. Wowchuk:** Mr. Chairman, just briefly. I would just like to make a few comments. I want to just indicate to the minister that our critic the member for Selkirk (Mr. Dewar) has allowed me to go first with my comments because of a schedule conflict that I have later, and he will then do more detailed questioning than I will. I want to indicate to the minister that we, too, believe that the environment and the state of our environment is one of the most important things that we have to address, that we need to have a high-quality environment not only for us, but for future generations, and we have to work very hard to ensure that that environment remains a safe and sustainable place for future generations.

The Department of Environment faces many challenges. As we move towards increased livestock production, there are challenges there that are brought, and the Department of Environment and other departments of government have to ensure that we find a balance with the economic growth that those people involved in the industry want as well as those people who live in the community. As we move towards increased use of our resources, whether it be the forestry resource or our soils for agriculture uses, we have to ensure that, as we use those resources, they are used in a sustainable way and, again, that we have the ability to ensure that they are protected. The resources that we have are given to us to use for the time that we are here, but it is our responsibility to use those

resources, but not abuse them in order that we have long-term sustainability.

Certainly there are other areas that have to be addressed. We have to look at more recycling. The areas that I want to address have to do with the agriculture industry and the use of some natural resources. The minister, I am sure, is aware that I have some questions that we began during Question Period with respect to the Louisiana-Pacific licence and those issues.

When my colleague the member for Selkirk (Mr. Dewar) has his time, he will have more extensive comments on the whole department. My colleague the member for Wellington (Ms. Barrett) will ask some questions first, then we will get into the area that I am interested in. Thank you, Mr. Chairman.

**The Acting Chairperson (Mr. McAlpine):** I thank the honourable member for those comments. I would remind members of the committee that debate on the Minister's Salary, item 1.(a), is deferred until all items of the Estimates of this department are passed. At this time we would invite the minister's staff to take their place in the Chamber.

We would invite the honourable Minister of Environment (Mr. McCrae) to introduce his staff present in the Chamber for the committee this afternoon.

**Mr. McCrae:** I am joined by Deputy Minister of Environment Norm Brandson, Assistant Deputy Minister Dave Wotton, Assistant Deputy Minister Serge Scrafield, and Wolf Boehm is our Director of Administration. They are all with me this afternoon. They may be familiar to honourable members; we will be pleased to have their assistance as we proceed.

**The Acting Chairperson (Mr. McAlpine):** I thank the honourable minister for that introduction, and we welcome all the minister's staff to this committee.

The item before the committee is item 31.1.(b) Executive Support (1) Salaries and Employee Benefits.

**Ms. Becky Barrett (Wellington):** I have questions on one area that the minister referred to in his opening

remarks. I might remind the minister and tell the staff that I am the Urban Affairs critic and have shared some concerns with the minister's predecessor about the issues of sustainability in the Capital Region, in particular, and most particularly, the whole issue of BFI as it relates to the City of Winnipeg and the whole idea of sustainable development. I was interested that the minister actually spoke about some of the issues about BFI. I would like to ask the minister some general questions, if I may, about his government's position and his position with reference to that.

\* (1630)

The minister stated earlier in his comments this afternoon that it was necessary to set targets and standards for companies and individuals in order to ensure sustainability, et cetera. One of those instruments that he talked about were financial instruments to ensure the respect and compliance with environmental stewardship. I am wondering how the minister sets that statement, with which I completely agree, next to the acceptance of the landfill site for BFI in the community of Rosser against the complete and total rejection of the entire City Council of the City of Winnipeg and virtually all environmental and waste management strategies. I do not see how the two, the statement on the one hand and the actions on the other hand, meld together.

**Mr. McCrae:** I think I understand the concern being put forward by the honourable member, and indeed work is underway to develop a Capital Region Strategy. I think the honourable member's question is one of those ones that says, well, if that is what you are doing, then why would you proceed under the old rules in the meantime?

It would have required a moratorium, which to be fair would probably have had to apply everywhere, and the decision made, as a result of a pretty fair understanding of all the issues involved, was to carry on with the work, to work toward a better strategy for the future, but not in the meantime to impose moratoriums. That would, I think, be the answer to the honourable member's question.

**Ms. Barrett:** Well, I have to refresh my memory here because it was quite some time ago, but at least the first

set of Clean Environment Commission hearings that were held in the city of Winnipeg were supposed to deal with the issue of solid waste management in the Capital Region and not reference any specific potential change to the current situation. I remember that the City of Winnipeg and the presentation by the Canadian Union of Public Employees, during those presentations, the chair of the committee was very clear, at several points, telling the presenters that they were treading on ground that was not part of the terms of reference of that first set of hearings, which was to discuss the whole issue of the solid waste management strategy in the Capital Region.

The terms of reference for those hearings were never really addressed to our satisfaction. In the discussion, BFI was allowed to make very open-ended presentations, and it was very clear to us at the very beginning that, if I could put it this way, the fix was in. Far from a moratorium being put in place, the Clean Environment Commission had no intention of developing a solid waste management strategy in the Capital Region prior to agreeing to the licensing for the BFI facility in Rosser. I would think, and most people in the city of Winnipeg think that this was a classic case of the cart before the horse, that if you are going to have a solid waste management strategy for the entire Capital Region, you do not give a large multinational corporation the right to go into the Capital Region to put in a huge landfill site that is going to, in effect, decimate the City of Winnipeg's very successful waste management strategies. The City of Winnipeg had a very successful set of programs designed to educate people, to raise awareness, to do prevention, and to recognize people and organizations who had done a good job in reducing materials going into the waste cycle.

All of those things were things that the minister just spoke about in his opening comments. So I would like to ask the minister again how he can justify now beginning the preparation of the solid waste management strategy in the Capital Region well after the opening of a landfill in Rosser by BFI, which establishes a huge—they are there now. The solid waste management strategy for the Capital Region now has to take that very large organization and landfill site as a given, rather than looking at the strategy ahead of time and then deciding whether it was fulfilling the

principles of Sustainable Development to put that landfill there in the first place. I would like the minister to comment on that.

**Mr. McCrae:** I will try, Mr Chairman. I think that my recollection of being in the opposition, which was for a couple of years, is that there is a luxury that one has of viewing things in hindsight and viewing things as they are happening and then coming along later and saying, well, just think how it could have been or just think what might have happened if we had done this or that or the other.

I think we all engage in that. I do not mean this as any particular criticism, but I say we all engage in that sort of thing when it serves our purpose or when we are making comments on matters of public concern. All that being said, we had no legal or legislative process by which we could stop applications coming forward, and indeed we had a process in place where applications could come forward and that process is the Clean Environment Commission process.

The hearings of the Clean Environment Commission can be extremely helpful to Manitobans. In this case the hearings recommended that some lead be taken by the province with respect to Capital Region Strategy. That was a recommendation of the Clean Environment Commission, and that is a recommendation we have accepted and we are moving forward with that now. I know that the honourable member is left with the feeling that, ah, yes, that is not a bad thing to do, but we have got this other development now in place. I understand the honourable member's feelings on this matter, but nonetheless that recommendation came to us from the Clean Environment Commission respecting a Capital Region Strategy and that work be done to build one, and that is what is happening.

**Ms. Barrett:** Well, I think whether you are in government or opposition, you sometimes view things differently in hindsight than you do while it is happening or even before it is happening. I would suggest though that if the minister remembers or does an analysis of the statements and comments and concerns that have been raised by people on this side of the House since the beginning of the possibility of BFI coming into the Capital Region, he will know that we have not changed our position. We do not have any

view differently from hindsight than we did when the whole process began. We have been and were and will continue to be opposed to the BFI landfill site in Rosser, or anywhere else in the Capital Region. There are a whole number of reasons for that which I will not go into now, because it is a fait accompli. I just wanted to put on record our continuing concern that the process was—I will say it, I will say it—the process was manipulated.

The Clean Environment Commission, I understand, recommends and advises to the government. The government makes the ultimate decision as to what happens or what does not happen. The government had the authority to say, wait a minute, we need to look at the strategy as a whole. We need to have a solid waste management strategy in the Capital Region. We need to look at where we are. We have to start from where we are. Well, our position is, you start from where we are. You do not put in this huge landfill site and then say, okay, now we will develop the strategy. It does not work that way.

One final question to the minister on this whole issue of one of the impacts that BFI has had on the City of Winnipeg is not only a reduction of the money coming into the city through tipping fees. I understand, if it has not already happened, that BFI is looking at reducing its tipping fees. They made comments in their presentations, I believe, that they were in the business of waste management, and as a business, they were going to take business from wherever they could find it. One of the major ways that you get business, especially if you are a multinational corporation like BFI, is you undercut the competition in your pricing. Undercutting the competition in the pricing means lowering the tipping fees particularly to corporate and business clients. I am wondering if the minister does not understand one of the basics of environmental stewardship; one of the basics behind the Reduce element of the four Rs that the minister talked about in his opening remarks is that you try every way you can to reduce the waste stream. One of the ways that works really effectively is having the tipping fees, having the cost of putting something in the waste stream, high enough to make it uneconomical to put it in the waste stream, to make it more economical to try and find other ways to utilize the waste or to reduce the generation of the waste to begin with.

\* (1640)

So this again seems to me to fly in the face of what the minister says is the goal of his government, which is good sustainable development and good stewardship, and an emphasis on the reduction of the solid waste stream. I think that you will find that is the case, when you look at what is happening or what will happen with BFI.

**Mr. McCrae:** Mr. Chairman, I appreciate and respect some of the points of view and positions put forward by the honourable member. The points she makes, or the allegations she makes about these tipping fees, are something that I think require us to review, look into that matter a little further. This was not something that was well known to the department. I would like to know—maybe the honourable member can share with us—a little more about this particular information. It might be useful as we follow it up.

But it might be said that this licence having been granted, it is the view of some, perhaps many, that the BFI site could be a useful part of a regional solid waste management strategy. It may indeed have a useful role to play in the future, but that remains to be examined, and firm conclusions arrived at.

If the honourable member would care to maybe expand a little on the information that she has brought forward, it might be of use to departmental officials as we review the issue she is raising.

**Ms. Barrett:** I do not know specifically the details about whether BFI has, as of yet, reduced the tipping fees. That has always been a concern of the city, and I am assuming—and maybe it is an assumption, and we all know what assumptions can be, but on that, and just one final question for the minister is: Do you agree as a policy that, as you said, financial instruments should be used to ensure compliance with environmental stewardship, and that a tipping fee established high enough to discourage solid waste going into the stream is a good idea, in principle, that you need to say to individuals and corporations and governments, municipal governments as well, we are going to make it challenging enough financially for you to urge you to reduce your waste and use other avenues, to explore

other avenues to try and get to that 50 percent reduction by the year 2000, which is the goal?

We use fines as disincentives all the time. Now I am not saying a tipping fee is exactly the same thing as a fine, but it is the same principle, I think, that you make the cost of doing business, i.e., generating solid waste, high enough that it is worth your while financially to explore other alternatives. I am wondering if the minister agrees with that in principle.

**Mr. McCrae:** I think we need to make a creative use of whatever financial instruments might be available to us as a society. I do not want, by having fees so high, that we create an unsafe environment for us outside the landfill site. I do not want to see that happen, and neither does the honourable member. I do not want to see fees so low that they would encourage careless disposal of items that might well be something that could be recyclable or used in some way other than simply dumping them at a landfill. So it is a question of the balance referred to by the honourable member for Swan River (Ms. Wowchuk) in her comments when she was talking about livestock waste. We do need to achieve balance so that objectives can be achieved.

The honourable member for Wellington (Ms. Barrett) is thinking along the same lines as I am, that we should be as creative as we can to get the maximum result which benefits the environment we live in.

**Ms. Wowchuk:** Mr. Chairman, I have several areas that I want to ask the minister questions on, but I think that I would begin by having a bit of discussion on the Louisiana-Pacific waste management, the surplus bark. I raised this matter with the minister some time ago, and I guess I would want to talk a bit about the licence and what is happening. I want to say that we have heard lots of discussion that when people raise questions, they are opposed to the plant, lots of those kinds of things from the minister and from the other members of the Conservative government. But I think that there are many people in the community who raise these issues, and I want to assure the minister that people who raise these issues are not against the plant. They were not against the plant when they raised the issues during the Clean Environment Commission hearings, but they did put some serious concerns on the table that they had.

I remember saying to the people who had some concerns, oh, well no, I do not think we have to worry. As long as we have regulations and things put into the licence that will control pollution of any kind, we do not have to worry. Then when we saw the licence saying that waste material could not be moved off the site without permission and without a plan, that seemed like insurance. When the plant ran into their problem with a surplus amount of bark, I knew that the people in the department were working with the department, and we thought that all the concerns would be addressed.

So I have to say to the minister I was quite disappointed when I found out that all of this material was leaving the site, and there really was not a plan in place, and it had quite gotten out of hand. Material was going into sites where there was no—in fact, the department did not even know where the material was going. I have seen the correspondence that was sent back and forth, and there was no approval given, as I can understand it. There was no approval given in writing for it to be used as livestock bedding until, I believe, March 24. After I had raised the issue, that is when the approval was given in writing. It seems like the process was very loose from the Department of Environment, and the department did not know where the material was or where it was being deposited and what was in the material. The minister himself indicated that they did not know where the material was being disposed.

So I would like the minister to indicate, then, what guidelines there are to ensure that this would not happen. Are there guidelines that were spelled out to say where it can be going? Is there a guideline saying how thick the material can be spread on any particular site? From what I have got, the information that I have, it says that for agriculture purposes, it has been sent to the Department of Agriculture and that has not been approved yet, but for livestock bedding, my understanding is that, and I will quote from the letter, it says: You may use wood waste not contaminated with resin or hazardous waste as bedding material for livestock production operations. Must be less than 50 metres from surface water and the area do not cause pollution to surface water.

I have imposed an additional condition that would not waste, not be stockpiled for future use, but be

placed for bedding purposes as soon as practical, and please maintain a record of locations where the material is being taken and the amount of material taken to each location.

\* (1650)

So the guidelines in that spell out what can be done, but that is not really what happened. What really happened is that material was put in lots of areas that are not livestock yards. Material was put in places where there was surface water, so I would like to ask if the minister could tell us, were guidelines spelled out clearly ahead of time and did the department have any control of where this material was going or was it all after the fact when we raised the matter with the minister?

**Mr. McCrae:** It certainly was not after the fact as the honourable member has suggested. The department has been involved with the Louisiana-Pacific project for some time. The process for developing this particular option, indeed, started more than a year ago now, last April. So that has been a long time coming. It is not something that just popped up when the honourable member started asking questions.

It is not to say her questions do not have some merit. I am not suggesting that, but to suggest that we are responding only because she is asking questions is totally incorrect. This material was always understood to be used unless further uses were allowed at some point in the future. It was always clearly understood that this material was to be for livestock bedding purposes only and to suggest that, as the honourable member did, we did not know where this stuff was, that is also incorrect because part of the deal was that we were to be made aware and records kept by Louisiana-Pacific as to the location of all this material, and that information is to be made available to the Department of Environment when it requires it.

(Mr. Edward Helwer, Acting Chairperson, in the Chair)

The one point that is bothering me—it is true, we found in one case some material was placed too close to a water course, and there is no indication that I have that this was done intentionally, and the indication I

have is that it was fixed just as soon as environmental inspectors became aware of it. Even that one, I think we were aware of before it was raised by the honourable member. I could be wrong about that one.

The point is that pile of material was moved back immediately when it was found to be in the wrong place. The thing that is bothering me about the honourable member's comments the most, I guess, takes me back to my days when I was in another regulatory department and that was the Department of Justice. It always bothered me that we have had a law on the book, I guess, right from the beginning of our nation that it is against the law to kill other people, and yet we have these offences happening in our jurisdiction and they happen in other jurisdictions too.

The simple act of writing a law and making it illegal does not stop things from happening. So that is what is bothering me about the honourable member's comments, and I hope she does not mean it this way. I think reasonable efforts are being made by the department to ensure compliance with the rules that we lay down, and we lay them down for a good and proper reason. We do not just go to Louisiana-Pacific or the people in the neighbourhood and say, well, we do not like you doing this; therefore, we are going to stop you from doing this, that, or the other thing.

Do not forget there is an assumption here based on research that the material we are talking about is nontoxic. The material we are talking about is not harmful. In larger quantities this material could—nobody said “would”—but could be harmful, and therefore in large concentrations could be harmful. That is why the caution and the rule with respect to not having it close to the water was put into effect.

I think the Agriculture department has been involved in looking at potential other uses for this material, even though it is expected that in time there will not be any more of this material generated because it will be used up in the Louisiana-Pacific process anyway. I think there has been an abundance of caution taken on the part of this department. Where there have been breaches, we have moved to deal with them. I do not know what more the honourable member is suggesting ought to be done.

As a citizen of Manitoba and as a member of this place, the honourable member has raised the issue. She ultimately provided detailed information about location, but we already knew the locations of all the material. If the honourable member knows of some that we do not know about, that would be interesting to me, because then I would have something here to deal with. I would have Louisiana-Pacific not telling us about people who are taking this stuff away. That would be a problem. That would be a lack of co-operation between the company and the department. That would be a problem.

I do not know if the honourable member has some specific questions, or specific locations that we are not aware of. That would be a surprise to me, and I would be happy to do something about that if that were to be the case.

**Ms. Wowchuk:** Well, the minister is certainly saying something different than he said when I raised the issue, because the minister said they could not check the sites until I identified them, and that is what caused me concern.

#### Point of Order

**Mr. McCrae:** Point of order, Mr. Chairman. There may be a wee misunderstanding here. What I was doing with the honourable member was saying, look, I know of the locations, and I do not know of difficulties except in the one case I identified. The honourable member, in my opinion, was holding back some information, certainly initially, and later she came forward with the locations that she was aware of. I do not think I am saying anything different today than I was saying then.

**The Acting Chairperson (Mr. Helwer):** Order, please. The honourable minister does not have a point of order.

\* \* \*

**Ms. Wowchuk:** I would challenge the minister to check some of the comments that he made earlier, because clearly he indicated that they did not know where the sites were, and that is why I am raising the issue. Can the minister indicate then that, before the

material was taken off the Louisiana-Pacific site, the Department of Environment was given each one of the sites, and that the department inspected the sites and said that these were okay?

I have no problem with its being used for livestock bedding. The livestock bedding issue has been addressed, and it is suitable for livestock bedding, and farmers are using it for livestock bedding. They quite like it, and that is acceptable. But what I am saying is that there are sites where it is deposited where it is not acceptable, and where we recently had some high spring runoff. These sites were in water, and the guidelines clearly say it must be at least 50 metres away from surface water. So I would ask the minister if it is accurate then that his department checked the sites and gave approval for them before the material was deposited there.

**Mr. McCrae:** No, Mr. Chairman, and we have never suggested that was done. The honourable member is perhaps assuming that the Environment department inspected every site before it gave approval for each individual site. That was not the way it was, and I never said that to the honourable member either. If the honourable member ever thought that each and every place that this material was going to was the subject of review and examination by the Environment department, she is wrong. I mean, I have never said that, and it would be wrong for her to come to that conclusion.

We allowed this practice to go forward, as a department, based on certain rules being followed. When the honourable member was kind enough to bring forward the instances where she believed there may have been breaches of the rules, that is when we swung into action, which was a perfectly appropriate thing to do.

\* (1700)

I think if you examine the thing in that light, you can see where there might have been—there was one location. There may have been another, but when they were brought to our attention, then we put our people to work on it, and not unlike other infractions or alleged infractions, they are reported on and action is taken on them. That is what we have been doing here. But to

suggest that we have been out looking at every site where that stuff was going to go is not a correct assumption.

**Ms. Wowchuk:** Maybe the minister could clarify. He said that you had a list of the sites; you knew where the material was. Can the minister indicate what the process was? Did Louisiana-Pacific, or the contractor who had the contracts to move the material, send in a submission to the Department of Environment? I am just trying to understand what the process was, if they were then moving the material, who made up the list and where was that list registered? Because I have correspondence from the Department of Environment with all of this waste management, nowhere in this correspondence that I received was there a list of the sites that were available, so can the minister just clarify where this list was registered, who registered it.

**Mr. McCrae:** I guess the one advantage of the Estimates process is we can ask the question more thoroughly, and we can answer the question more thoroughly too.

The department required Louisiana-Pacific to keep records of all persons coming to take material, to keep record of where the material was going to be placed, and also to advise those people, I assume farmers, who come to get this material of what the rules of the placement of this material were to be. That was the arrangement that had been arrived at, so that should any question arise such as the type raised by the honourable member, we were then able as a department to contact Louisiana-Pacific and say, did this material get turned over to Mr. or Mrs. X, and did you advise that person about the rules of this. That was the procedure that was put in place.

So, when I said to the honourable member previously that the department knows where all this stuff is, the only way my department would not know is if Louisiana-Pacific did not disclose the information that it was required to disclose. That would be a somewhat more serious matter, I suggest. If the honourable member is alleging that sort of thing, then, yes, we have got a concern; we have got something to deal with here.

When she suggests a site that is not properly looked after, we will look into it, but the suggestion was

that—and I had to talk to many representatives about this—the honourable member was putting across the point that this was highly toxic, noxious, objectionable sort of material. It might be objectionable to the honourable member, but in terms of the science behind it, the level of toxicity is not there to justify the kind of concern the honourable member was raising.

In any event, the sample that she filed in the House one day had a little bit of that strand board in it, and if there were high concentrations of that in a load of stuff—I call it stuff, but we are talking about bark and wood fines that are the byproduct of this operation, or the result, or one of the results of this. If there is a higher concentration of the finished stuff, the finished product in the load and it was too close to the water, sure we have got a genuine concern, something that needs to be handled very seriously.

As it was, I think the department handled the matter very seriously when it was raised by the honourable member, indeed handled it very seriously before it was ever even thought of by the honourable member. The approval for this bedding business had been negotiated throughout the year 1996. There were some verbal approvals in late 1996, and written approvals are pending with regard to uses other than simply livestock bedding. So that is not done yet. But Louisiana-Pacific was responsible for the movement of this waste, and that is the point that we talked about a minute ago, and they will be responsible. To the extent that they are at fault should there be some problem or some inappropriate storage of this material, our recourse is to go back to Louisiana-Pacific, because Louisiana-Pacific is the one that we, as a department, allowed to allow this material to leave their site, but under certain conditions.

**Ms. Wowchuk:** Mr. Chairman, the minister indicated that farmers come to the site to pick up the material. That is not quite accurate. Louisiana-Pacific has hired three contractors, and the contractors then come to the site. The contractors come to the site and pick up the material and dispose of it. None of the farmers come there. So then the minister said, I think, that if there was a violation, if there was a problem, it would be Louisiana-Pacific's. There has been some discussion that the contractors are the ones that have some responsibility here because they are the ones that find

the location. So the minister is saying that Louisiana-Pacific keeps a list of the sites. My understanding is it is the contractors who find the sites, and so they would then have—I guess I am asking the minister then, does the responsibility in his opinion rest with Louisiana-Pacific or is it the contractors who, once they have the material and move it off the site, have some responsibility as well as to where the material is being deposited?

**Mr. McCrae:** Any contractor, and my department confirms the honourable member is correct that this is a way that Louisiana-Pacific moves this material, but any contractor contracting with Louisiana-Pacific is simply an agent of Louisiana-Pacific. So our position is that this waste belongs to Louisiana-Pacific, and when we need to do some investigating, we go straight to Louisiana-Pacific who is responsible to keep records as to the disposition of this material. So that is the position we take.

**Ms. Wowchuk:** I understand that there were some 25 or 26 sites inspected. Can the minister indicate whether the sites that were inspected after I raised the matter in the House, were sites that were presented by Louisiana-Pacific, and can he perhaps provide me with a list of all the sites and a summary of the report, or a copy of the report, because I understand there is a written report that has come to the minister? I would be very interested in seeing the outcome of those inspections and also having a list of the sites that were inspected.

**Mr. McCrae:** Mr. Chairman, I have seen a list of all of those sites that would be more familiar to the honourable member probably than they are to me, but I am advised that there is no reason why she cannot see that list and go out and check them out all if she wants to.

The point is you can take pictures of something, as the honourable member has already done, and create something of a concern—and maybe she has found out about it locally, the kind of concern that she has raised, probably on both sides of the issue. If this material is, as I am advised—well, relatively, it is nontoxic and nonhazardous, except in higher concentrations and then only to fish.

\* (1710)

The obvious concern is about the waterway and appropriate rules have been laid down. When the rules get broken, yes, you want to deal with them, and that is where my concern is on this. I understand that this is a temporary issue, in any event, because this material will ultimately be used up in the process in the longer term. We are not going to keep having this material produced and needing to find a place for it for the long term. So I will look with my department at making that information available to the honourable member. I think she probably knows about a lot of the sites, in any event, but we will make that available to her.

**Ms. Wowchuk:** I will look for that report from the minister, but the minister keeps referring that this is not a harmful material—

**Mr. McCrae:** I do not know whose word the honourable member wants me to take, but the chemical analysis of this material is that it is nontoxic. The bark is nontoxic, but runoff from the pile at certain levels of concentration could be toxic to aquatic life, and that is the issue we have addressed. That is the issue we have addressed by insisting that the material be stored away from water courses.

**Ms. Wowchuk:** As I was beginning to say, the minister refers to this as being no problem with the material, but when Louisiana-Pacific was applying for their licence, they in their own EIA said that it could be—there was leachate in this material in high concentration and could cause problems for aquatic life.

The Department of Environment, in issuing the licence, said that the log yard had to be lined with clay, I think something like 3 metres, and my understanding is that lining this yard cost Louisiana-Pacific millions of dollars. The Department of Environment found it necessary to control the runoff within the yard by lining the log yard, putting in a special pond to control the runoff from this log yard. They even required that the stream, the Sinclair River, be monitored up and downstream to ensure that there are no leachates in the water.

Well, Mr. Chairman, if it was necessary to do that to control leachates, you can understand then why people in the constituency had concerns when they saw it in

very large piles—and the minister said that you can play games with pictures. I have absolutely no intention of playing games. I was trying to get some answers for constituents, and it was very obvious, and those piles are still there in places.

The minister talks about them being safe distances from rivers. There will be people in the constituency that differ with the minister on that. If it was necessary to require this kind of expense to control the runoff from the log yard, can the minister not understand then why people would have concerns when this material is then moved into areas where there will be spring runoff, in areas where there are large piles which will have runoffs into the water stream? Does the minister not understand what the concern is from constituents who have said this can wash downstream and then end up affecting the fish in streams?

The department took a very strong stand on making sure that there was no runoff or leachates coming out of the log yard. Then why can the minister not understand why it is a concern to people in the area, when they see it piled in areas, where we would see a risk of the leachates out of this material collecting in spring runoff and ending up in the streams?

**Mr. McCrae:** I certainly do understand, Mr. Chairman, and, yes, I certainly am concerned. I do not know why the honourable member suggests I am not.

**Ms. Wowchuk:** I would like to ask the minister, one of the areas where Louisiana-Pacific—as is my understanding, there was a huge gravel pit that was dug out just a short distance from the mill. Was there an application made to have this material used to fill in this gravel pit, and then covered up with topsoil in order that it could be used as a field? Was this application made, and was it rejected by the department? If it was, why was it rejected?

**Mr. McCrae:** My department will make inquiries about that. The people with us today are not aware of that and will make inquiries. If it is okay with the honourable member and her colleagues, when we do not have immediately available information, my habit in the past and in other Estimates has been to undertake to make the information available.

**Ms. Wowchuk:** Of course, that is acceptable. What I am trying to get at here is, my understanding is that the Department of Environment, when they looked at this application to fill in a gravel pit, an old pit and then cover it up with topsoil to make it into a field, the concern was that they could not do this because there would be leachates coming out of it into the waterway. So if there was concern in that particular case and the river was not anywhere close by, I do not know how then there could not be concerns in other areas. That is what I am looking for. Why was one area rejected, and was it rejected?

I understand also that there was an application; they started to apply this material to Crown lands. When it was being put on Crown lands, the department also said, no, that is unacceptable to put it on Crown lands, but in areas where it is more sensitive, there does not seem to be the restriction on it. If the minister and his staff can find that material for me, I would be happy to take it back to constituents who have raised it with me.

**Mr. McCrae:** As I said to the honourable member, we are going to check that one out. But it needs to be said that it is highly unlikely to be acceptable, any suggestion that filling up a gravel pit anywhere with any material is not likely to be acceptable. Not likely to be, and I do not know that this was ever asked for in this case; that is the part we are going to check.

**Ms. Wowchuk:** I look forward to that. If it is what has been brought to my attention, if it is unacceptable to fill in a gravel pit—and I agree with the minister—how is it then that it is acceptable to fill in a slough? I have brought this to the minister's attention, this site that is being filled in with chips, a place where cattails are growing. I have gotten a letter back from the minister saying basically that there is not a problem with this site. In this site there is particle board in it; it is not just sawdust. How can the minister say that it is unacceptable to fill in a gravel pit? I agree with him on that one, because it would be a high concentration of material and we could have seepage, and that is what we are trying to control by having the clay lining in the Louisiana-Pacific yard. Then how could it be acceptable to have material used to fill in a slough?

**Mr. McCrae:** My department, as I told the honourable member, we take legitimate concerns quite legitimately

and deal with them that way. The site the honourable member is talking about is a site about which my department is asking some questions and demanding some answers on it. If those answers are not acceptable, that site will have to be changed. That stuff will have to be moved from there, if what the honourable member says is so, No. 1, and if—we want to ensure in this and other cases that come to our attention that the use agreed upon is the use to which it is put—if that is not happening, then the honourable member has a very good point.

\* (1720)

**Ms. Wowchuk:** Indeed, and I am sure the minister's staff, and I hope the minister's staff has checked this out, because the use agreed upon is bedding for livestock. In this particular site, which is a slough where ducks and geese nest, there is a tremendous amount of material put in there. Again, guidelines say “not containing resins.” In this site there is material, board that has been broken up, because it is probably not the right quality for sale and it is in the site.

I look forward to hearing from the minister and his staff what is happening with this site and the other ones, because there are others that we have raised. I want to assure the minister that none of these issues have been raised for the sake of mischief. These issues have been raised because people downstream use the water. People are concerned about fish habitat, and they should be. The minister talked earlier in his opening remarks about protecting our environment, and this is a concern. So I look forward to those results.

**Mr. McCrae:** I know the honourable member is sensitive to what I said at one point about the way she raised this. My only point here is if the concern is as she has just stated it, my office is right here in this building, and the quickest way to get through to me is with the telephone or to come see me, or whatever it is. I do not want to go into it very much because I know it is upsetting here, but—

**Ms. Wowchuk:** It does not upset me at all, Jim.

**Mr. McCrae:** It does not upset the honourable member. The process the member used was a somewhat round-about process, in my view, looking at

it today, and as I looked at it then. I have always, in all of my years as a minister in this government, responded responsibly and seriously and with appropriate and sensitive concern to issues raised. Whether it had to do with Justice issues or had to do with any of the portfolio responsibilities I have held, I have never, never turned away a member of this Legislature, of whichever party, for bringing forward, in a serious way, concerns that there are. So I needed to say that in response to what the honourable member just said.

**Ms. Wowchuk:** I can understand what the minister is saying, but I have to tell the minister, too, that these issues were raised, and sometimes when you cannot get somebody to pay attention, you have to use another form. No, I did not raise it directly with the minister, but we have a responsibility and a role in this House, as well, to bring issues that are on our constituents' minds. That is what this House is for, and I am sure that when the minister was a member of the opposition, he also brought issues on behalf of his constituents to this House and did not go to the minister responsible before he raised them. I will do some checking back with previous members to see whether that is accurate, but if that is what the minister did when he was a member of the opposition, I would commend him for taking all of his issues directly to the minister first of all. But I have to assure the minister that I did raise the issue, and he can check the records. I called his department much before I raised it here in the House, and we felt that because it was a sensitive issue for the constituents, we had to raise it.

One of the questions I want to ask as well is that I attended the stakeholders' advisory committee, the citizens' committee where there was a report on this. His department had reported. The people that were making the presentations said that the guidelines they were following for the disbursement of the material was the livestock manure regulation, and I found that quite disturbing to say that the guidelines that—this is not livestock waste. It will be incorporated with livestock waste after it is on the feed lot. So I want to ask how it was that the guidelines on how this material should be distributed—and that is where I understand a measurement of 50 metres from high water came, from the livestock regulations. So how did the department decide that it should be the livestock waste management guidelines that should be used to decide

how this material should be distributed when it is not a livestock waste and there have to be guidelines? That is why I was asking whether there are any guidelines for how this material—but it is not livestock waste. I do not think it is acceptable to say that this material will fall under livestock waste. It is material that has to be disposed of. There should be guidelines. There are guidelines in other provinces as to how this waste material should be distributed, but it certainly does not fall under livestock waste.

**Mr. McCrae:** Mr. Chairman, the honourable member has made the point, and she is correct that, you know, we all raise our issues in the way we choose to raise them, and sometimes we will raise them directly with the minister, and in the course of doing so, she did acknowledge that never did she raise it directly with me until after her press conference. I agree with the honourable member that there are different ways to raise things. I know from experience in dealing with Howard Pawley, when there was a very serious issue to be raised or he wanted some results, he raised it with the minister. When you want to play politics, you raise it with the CBC or with the House or wherever. I mean, let us put our cards on the table. The honourable member is a politician and so am I, and I know when it is the right time to—when you are really concerned, I will go straight to a minister. When I am really concerned but I want to have some political spin, then there are other ways, and in this case, let us be honest about it, the honourable member chose other ways, and that is the point we agree on. I do not dispute her right to do any of those things, but if you want to get something done, I can tell you, and Howard Pawley can tell you, that when you really in your heart of hearts are quite serious about something and you want to get something done, there is a more responsible way to bring something forward. I have experienced, and Howard Pawley is my witness, a colleague of mine from the southwestern corner of the province and myself were extremely concerned and worried about something. Rather than go to the CBC with it, we went to Howard Pawley who was the Premier of Manitoba at the time, and the matter got resolved very quickly and resolved very well.

Those are just my comments. The honourable member is absolutely right that there are different ways to raise different issues, and I guess that is where the

matter stands. She asks about using an agricultural regulation to regulate this material. There is a certain leaching capability, whether you are leaching good stuff or not good stuff. There is a leaching capability in wood bark that is similar to the leaching capabilities of other farm waste materials like straw and manure and those sorts of things.

That is one basis and there is a technical analogy that can be drawn here. It has to do with leaching capability, and that is why this particular reliance was placed on an agricultural type of regulation.

\* (1730)

**Ms. Wowchuk:** I have to ask the minister: Is he saying that because this issue was raised in the House, rather than directly at his office, that he gave it less serious attention than he would have if I would have raised it directly with him? If that is the case, I am appalled that the minister would even say that. This is a serious issue that was brought to his department's attention, not only by myself but by other people in my constituency. Other people phoned in to the department raising this concern and no action was taken. No action was taken by the department to address this.

They said that they inspected the site where the racetrack was built. They did not know. There was no list of sites. The minister is saying that they had a list of sites. I do not think that is true, because when I raised the issue I gave the location of two sites that the material was on. There was no action taken to check out other sites. It is quite disappointing that the minister is saying that this issue deserves less attention, because I raised it in the House rather than coming to him directly. There was not action taken on this as there should have been.

We finally got action after we raised it here in the House. That is when they began to pull back material out of that one site, but they continued to put the material. After we raised it here, they continued to put it in sensitive sites. There is a site by Bowsman that got filled up with water in the spring runoff, and it was a site that the minister's department looked at and said that there was no problem with.

So these are serious issues that we raised with the minister, and I think that it is quite disgusting that the minister would say, well, just because you raised it one way, you raised it here in the House and caused me some embarrassment, we are not going to give it as serious attention as if you would have brought it to our attention. We did bring it to your attention, not only myself, but other people called different people in the department, and the minister should have taken it seriously. Then we would not have had to take the channel that we did.

**Mr. McCrae:** Much as I respect the honourable member for Swan River and her work in this place, I am not going to let her put words in my mouth. I do take issues seriously, whether they are raised in the House or they are raised privately or in any way they are raised. They are all issues, and any politician works at his or her peril if they do not look very carefully at every issue raised in whichever way it is raised.

I will not let this honourable member put words in my mouth, because I take everything—[interjection] The honourable member is still doing it, Mr. Chairman. She is putting words in my mouth, and I will not let her do that, much as I respect her and her work around here. I just cannot allow that to happen because it is not true, No. 1, and No. 2, no matter how an issue is raised, it is taken extremely seriously. The gentlemen sitting in front of me today could testify, if they could speak in this Chamber, about how seriously I took the issue raised by the honourable member. I was somewhat offended by the way she did it, but offended not for my purposes, because the honourable member sits there day in and day out and tells us how much she supports Louisiana-Pacific and the work it is doing in her constituency and the jobs it is creating and, at the same time, plays the games.

If she was telling me the truth about how serious she is about her support—she tells me that she supports Louisiana-Pacific, and yet she does things throughout the process. I mean, this is nothing new. It is just simply to have the honourable member suggesting in this place that I do not take issues related to the potential contamination of our environment seriously, I simply cannot let her say that and get away with it, because it is not so.

So all I was doing was making a comment about the tactics the honourable member was using. She never once came to me directly. If she had done so, it might have been a little different, but to say that only because she—[interjection] No, it might have been a little different in my comments about the honourable member and her tactics. The issue is there no matter how the honourable member wants to deal with it. She can deal with it responsibly or irresponsibly, and I think in some ways she dealt with it irresponsibly. It is still an issue. It does not make the issue go away just because the honourable member does not know how to deal with it.

The fact is, she has, I suggest, created some problems for herself in her own constituency, and the fact that she wants to spend as much time as she wants to today on the issue tells me that she is somewhat sensitive about the matter; but, when you strip all the politics away, there is still a matter there, there is still an issue there.

(Mr. Gerry McAlpine, Acting Chairperson, in the Chair)

The honourable member can play the politics her way and I will have to do it my way, but my job in this place and everywhere I go in this province is to do everything proper to protect the environment of our province. So if there is any hint of any veracity in the things the honourable member is saying in the House, I am going to have my department personnel look very seriously at that issue. That is exactly what I have been doing. Where remediation is required, that is what is happening. We are quibbling. I mean, that is what we are doing here, Mr. Chairman, quibbling, but it becomes a personal problem for me when the honourable member wants to put the wrong motives in what I am doing, and I guess she feels the same way when I make suggestions about her. So that is about where we are at. The issue is still an issue and will be dealt with very seriously.

**The Acting Chairperson (Mr. McAlpine):** Order, please. I am just going to make this comment, that we are into the Estimates of the Department of Environment. I think that we should be discussing the Estimates, and I hope that we can stay on that course. So I now acknowledge the honourable minister.

**Mr. McCrae:** I hear what you are saying, Mr. Chairman, and I just remind the committee what the honourable member for Swan River said at the beginning. The ordinary critic is the honourable member for Selkirk (Mr. Dewar). The member for Swan River (Ms. Wowchuk) had some specific matters that she needed to deal with and then, I take it, will be handing over the reins, as it were, to the member, so I am allowing a fair amount of latitude myself. So, if that is acceptable to you, I think that the honourable member's initial comments were agreeable to me and so, to that extent, there is I think a willingness to allow the honourable member to ask the questions that she needs to get asked before the honourable member for Selkirk takes over as the ordinary critic for Environment, not that the honourable member for Swan River is not extraordinary or anything like that.

**The Acting Chairperson (Mr. McAlpine):** I thank the honourable minister for those comments, and we will monitor the discussion with the idea of staying on course as far as the Estimates process is concerned.

**Ms. Wowchuk:** Mr. Chairman, I am dealing with the environmental policies of this government, environmental issues, and if I am not on the right line, I hope that you will show some discretion here. As the minister indicated, I wanted to ask my questions before my colleague the member for Selkirk comes in.

The minister has indicated in his comments that this environmental issue that I have raised has caused me some problems in my constituency. I would tell the minister to not worry about my constituency. I am quite capable about my constituency. He has a responsibility to worry about the environmental issues in my constituency, and I hope that he will take them seriously. He gives me his word that he will, but there are still outstanding issues.

The minister talks about my lack of support, or questions my support for Louisiana-Pacific, and I have heard that a few times from members of the government. Louisiana-Pacific has an impact on the environment in my constituency, and it is an area that I will continue to raise issues on. But I can assure the minister that I have met with representatives of Louisiana-Pacific. We have talked about these issues, and I do recognize the importance of the jobs that they

create, but I also recognize that there are people outside. Not everybody works at the plant, and we have to ensure a sustainable environment for everybody in the area.

I think if we put those issues aside, I would wait for the minister's answers and hope that I can take assurance that he will address these issues seriously.

\* (1740)

I want to ask again, related to the disposing of this material, in the guidelines put forward by the government, it says there is a maximum thickness, that the material cannot exceed 4 inches, and this is in the area for road closures. It cannot exceed 4 inches. When I look at guidelines from other provinces, it is also a very limited thickness that this material can be spread. So then, if there are restrictions on the thickness that it can be spread on roads, and the material cannot be stockpiled for future use, why was that same restriction not applied in other areas that the material is being spread? Why would you have a restriction on roads, but not have a restriction in other areas, and again, in areas where there would be a risk of water contamination?

Jim, different section? If I need somebody else to answer these questions, is it the wrong place to answer them?

**Mr. McCrae:** No. The honourable member wonders if we are asking this in the right place. Technically, probably not, but that is the issue that you raised, Mr. Chairman, and I do not feel very constrained by that if there is agreement between the members that she can ask it and I can answer it. I am going to try and answer it.

The part about roads is almost an engineering issue, as opposed to an environmental one, although there are environmental aspects to it. If you pile this material onto a road too thickly, then as it is compacted or pushes out to the sides—

**Ms. Wowchuk:** They are closing roads. It does not matter.

**Mr. McCrae:** What was that?

**Ms. Wowchuk:** You are closing the road, so it does not matter. You are using material to close—

**The Acting Chairperson (Mr. McAlpine):** Order, please. I would just remind the members that the Estimates process is a time to ask and answer questions, not for dialogue back and forth. It is important that this information is put on the record, so I have recognized the honourable minister to respond to the questions.

**Mr. McCrae:** Sometimes microphones and machinery do not adapt to the kind of dialogue that sometimes, I think, the honourable member and I would like to have. Nonetheless, I will finish what I am going to say, and then we will try to remember what you have said, Mr. Chairman.

Maybe I should stop and let the honourable member explain a little further, but what happens, as I understand it, is that you do not want to have it in logging roads, in thicknesses that go beyond what is appropriate from an engineering standpoint, to bear the weight of what is going over it and all of that. It is for those kinds of reasons that these parts of it are found in these types of regulations, but I think I will maybe hope the honourable member can give me some more— [interjection] Oh, okay.

Here is a note, that the logging roads are not open to the public in any event, if that is what the honourable member is referring to. These are not public roads we are talking about, in any event.

**Ms. Wowchuk:** That was what I was saying. These are not public roads that are being built. It is material piled on roads and temporary access roads. So they are putting them on the road after. They are not access roads anymore, so I could not understand you would restrict it only to 4 inches there but not restrict it in other areas. That is my concern, that you have no regulations to restrict the amount of material that is allowed to be put on for livestock bedding. Particularly in places in some of the sites where it is piled very deep, yet you are restricting the depth of it in other areas, that is where the lack of consistency is. That is the concern that I have. How can you allow, close to a waterway, the material to be piled up 3, 4 feet high, but then you have a guideline restricting it on a road?

**Mr. McCrae:** I now understand the honourable member's question a little better. Certainly these uses are not in any way consistent, so that you would not have the same rules applying to the different uses. One is a logging road. That is why, as I have tried to explain, there is going to be heavy equipment travelling over it and whatnot, so we are talking more of an engineering issue in this case than we are an environmental one.

With regard to storage of this stuff to be used for animal bedding, that is a different use altogether, which would explain any inconsistency, I think.

**Ms. Wowchuk:** I do not think that that is exactly right, because I think the concern would be that when you have a large pile of material that you would have leachates coming out of it. The restrictions in load, you are restricting the material in water areas when you are using it to road access and you are restricting the thickness of it, but when you come to the agricultural land, you are not restricting the thickness of it.

My question is: Do you not have concern about seepage and leachates from the runoff in these areas, which I would assume is the concern on the road area as well?

**Mr. McCrae:** The issue of leaching is the important issue here that we are addressing. During the wintertime, of course, the issue of leaching is not as acute as it is when springtime arrives and when things start melting and seeping into the ground and those things that naturally occur as the seasons change. It is, we are advised, safer, if this material has to exist at all, to be piled rather than spread, initially at least until any harmful effects of leaching would pass over a period of time, but if you were to start out taking it from the Louisiana-Pacific site and spreading it out, that is the issue that is still being looked at, because it is felt initially, at least by some, that it is a safer thing for the environment to pile it rather than to spread it out. That is the initial advice that has been provided.

**Ms. Wowchuk:** Mr. Chairman, it is my understanding from the correspondence that I have seen that the application for wood waste to agricultural land has been referred to the Department of Agriculture for review before the approval is being given. Can the

minister indicate whether there has been any discussion or whether there is any information, any work has been done by the Department of Agriculture to address this and whether any recommendations have come back to the Department of Environment with respect to the application of this wood waste on agricultural land?

**Mr. McCrae:** Mr. Chairman, the matter the honourable member raises has been referred to Manitoba Agriculture for their opinion on this, and we have not yet received that opinion in order to work it into any regulatory process that we would have. So we await that just as the honourable member does.

\* (1750)

**Ms. Wowchuk:** I only have one more question on this area. It is my understanding that one or two people in the constituency have brought to the minister's attention, asked that some of the sites that have had material deposited on them be probed for a sampling to look for other material in them. I ask the minister whether that has been given any consideration.

**Mr. McCrae:** Does the honourable member mean probing on the ground beneath where this material is or in the material itself?

**Ms. Wowchuk:** It is my understanding that the request has been made that in a couple of the sites where there is material to quite a depth that there has been concern that material that does not meet the guidelines has been deposited, and a request has come to the Department of Environment to probe these sites to look at whether or not contaminated material has been put into them. This is what I have been told, and this information has gone to the department. I am wondering whether any direction has been given to follow up on this request by a constituent.

**Mr. McCrae:** I am trying to understand. But is the honourable member saying that there is the suggestion that someone is hiding something inside the pile and covering it up with the more acceptable type of material and putting less acceptable material in the middle of the pile? Is that the suggestion?

**Ms. Wowchuk:** That is my understanding as to what has been reported to the minister's department.

**Mr. McCrae:** I was looking at my officials on this, but the ones that we have here today are not aware of the call or the complaint. Nonetheless, three sites have been probed in the way suggested by the honourable member, and whatever they were probing for or whatever they might have suspected did not turn out to be there. But, as I say, we are not aware in this Chamber whether any such complaint or suggestion has come forward. We will check our records on that.

**Ms. Wowchuk:** I was going to ask whether the information, on those sites that had been probed, had been relayed back to the person that had raised the issue with the minister, but it does not seem that has been done and I would ask that the minister follow up on that. It was a call that came to my office, and I had suggested that they just direct it to the department and raise it and I am sure that the department will follow up on that one.

**Mr. McCrae:** We will indeed. Simply because I do not know about it or the officials in the Chamber today do not know about it does not mean the call was not made or that it was not received by somebody in the department, and we indeed will look into that matter.

**Ms. Wowchuk:** I want to thank the minister for the information that he has provided on this particular issue. As I have said to the minister, it is one that has caused people concern and I would suggest, and I am sure that we will never have to use, as the minister said, it was a short-time problem, and I hope that we do not see the same kind of waste material again.

Louisiana-Pacific has said that they are using most of the material, but I would suggest that perhaps, whether it be through the Department of Agriculture or through the Department of Environment, when these kinds of issues arise and we have to be doing something, and the minister knows it is a sensitive issue, that if this happens again, that we try to, and the department of Environment or Agriculture take the opportunity to put some information out. We do it all the time. There are press releases on lots of things, and the Department of Environment puts out lots of information to make the public aware of what is going on.

So I think when this kind of matter arises again that there be some information put out, so that the public is

aware of it. Even with the idea of using it for livestock bedding, I have no objection. If it is a good material to use for livestock bedding, then let us put some information out that is positive or gives the people of the area the information that they require, so that there is not uncertainty. Put the information out for the people downstream that are saying, yes, this material is being deposited in such and such areas. You do not have to worry. It is not going to contaminate your water supply. No, it is in a small enough concentration; yes, this material has been tested and there are no resins in it.

I would ask the minister if he would consider something like this. I think that we have to do a lot more on educating the public, and when there are things that are being done wrong, bring those people into line but keep the public informed. On this particular issue, when this material was being deposited in the way that it was, people found it objectionable. It did not fit in with what they were told was going to happen.

I think it is in the best interests of everybody involved that if there is a way to get information out and give the people more knowledge, we could avoid some of these things. So I would ask the minister if he thinks that there is a way that this could be addressed that we could get the information out to people. As I say, when there are negatives as well, there have been sites that have had to be cleaned up. There is one that is causing a serious problem, but somehow we have to make the public more aware of what is going on.

Louisiana-Pacific, for their part, they used to put out a newsletter, sort of a good news, everything that was going on. We have not seen that newspaper for a while, so maybe it is partly their responsibility, but I think that there is some responsibility with the Department of Environment, since it is the Department of Environment that issues the licences. The licence is coming up for review again and will have to be issued, but somehow make the public aware that things that are happening are aboveboard, and there is not going to be a problem for them in years to come.

**Mr. McCrae:** Mr. Chairman, I can see the problem the honourable member is attempting to address, and it is always a good idea to be on the proactive side when it comes to sharing information or keeping a community

informed or whatever. Obviously, the company has a role in this regard to play, and I invite the company, obviously, to look at the comments the honourable member has made.

When it comes to all of this good news stuff and everything, I like good news as much as anybody, but as a regulatory agent in this particular scenario, I would never want my department to be seen in any way as a proponent. We are the regulator and that is our proper role. So whatever public information my department gets involved in has to be what is the right thing to do for the environment, and our citizens' understanding of the environment it is not. I may have my personal opinions about this, that or the other thing, but it is not the role of Manitoba Environment to be on one side or the other politically of a particular issue. We like to be those people who safeguard the environment. So you cannot really get on any one side of an issue except the

right side when it comes to the protection of the environment.

The role that is appropriate for my department to play in terms of public information, I accept that and would read over the honourable member's words again to see what role I might be able to pluck from that for the department. But there is a role for all of us and Louisiana-Pacific included.

**The Acting Chairperson (Mr. McAlpine):** Order, please. The hour being six o'clock, committee rise. Call in the Speaker.

#### IN SESSION

**The Acting Speaker (Mr. McAlpine):** The hour being after 6 p.m., this House is adjourned and stands adjourned until 1:30 p.m. tomorrow (Wednesday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, April 29, 1997

## CONTENTS

<b>ROUTINE PROCEEDINGS</b>		Lamoureux; McIntosh	2061
		Struthers; Cummings	2062
<b>Speaker's Statement</b>			
Laurendeau	2053	Labour-Market Training	
		Friesen; McIntosh	2063
<b>Reading and Receiving Petitions</b>			
		<b>Nonpolitical Statements</b>	
Mobile Screening Unit for Mammograms		Flooding-Volunteerism	
Wowchuk	2053	Cerilli	2063
<b>Presenting Reports by Standing and Special Committees</b>			
		Flooding-Arts Groups	
Committee of Supply		McGifford	2064
McAlpine	2053		
<b>Ministerial Statements</b>		<b>ORDERS OF THE DAY</b>	
		<b>Matters of Grievance</b>	
Flooding		Minister's Comments	
Emergency Response Plans		Gun Control Legislation	
Cummings	2054	Toews	2065
Pitura	2054	Ashton	2069
Struthers	2055		
<b>Introduction of Bills</b>		<b>Committee of Supply</b>	
		Consumer and Corporate Affairs	
Bill 28, Emergency Measures		Cerilli	2077
Amendment and Consequential		Radcliffe	2077
Amendments Act	2056	McGifford	2093
<b>Oral Questions</b>			
		Children and Youth Secretariat	2094
Flooding		<b>Environment</b>	
Doer; Pitura; Filmon	2056	Wowchuk	2095
Wowchuk; Pitura	2059	McCrae	2095
Sale; Pitura	2060	Barrett	2103