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Third Session - Thirty-Sixth Legislature

of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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

Member	Constituency	Political Affiliation
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	Ind.
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

Wednesday, June 11, 1997

The House met at 1:30 p.m.

Company of Canada and Montreal Trust Company to the Bank of Nova Scotia.

### PRAYERS

### Licensed Practical Nurses

### ROUTINE PROCEEDINGS

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, I beg to present the petition of Denise Sookram, Dawn Paul, Debbie Sookram and others praying that the Legislative Assembly request that the Minister of Health (Mr. Praznik) consider stopping the elimination of LPNs from the staffing complement in our health care facilities and recognize the value and dedicated services of LPNs across the province.

### PRESENTING PETITIONS

#### Obstetrics Closure—Grace General Hospital

**Ms. MaryAnn Mihychuk (St. James):** Madam Speaker, I beg to present the petition of Tracie Johnson, Ian Burron, M. Ewatsik and others requesting that the Minister of Health (Mr. Praznik) consider stopping the closure of the obstetrics program at Winnipeg's Grace Hospital.

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, I beg to present the petition of Shirley Sookram, Brian Alden, Robert Hollins and others praying that the Legislative Assembly request that the Minister of Health consider stopping the elimination of LPNs from the staffing complement in our health care facilities and recognize the value and dedicated service of LPNs across the province.

#### Mobile Screening Unit for Mammograms

**Ms. Rosann Wowchuk (Swan River):** Madam Speaker, I beg to present the petition of Helen Luce, Edwin Luce, Lon Luce and others praying that the Legislative Assembly of Manitoba request the Minister of Health (Mr. Praznik) to consider immediately establishing a mobile screening unit for mammograms to help women across the province detect breast cancer at the earliest possible opportunity.

### READING AND RECEIVING PETITIONS

#### Obstetrics Closure—Grace General Hospital

**Madam Speaker:** I have reviewed the petition of the honourable member for St. James (Ms. Mihychuk). It complies with the rules and practices of the House (by leave). Is it the will of the House to have the petition read?

**Ms. Diane McGifford (Osborne):** Madam Speaker, I beg to present the petition of Eva Jeffrey, Joyce Kulbaba, Myrna Beals and others praying that the Legislative Assembly of Manitoba request the Minister of Health to consider immediately establishing a mobile screening unit for mammograms to help women across the province detect breast cancer at the earliest possible opportunity.

**An Honourable Member:** Yes.

**Madam Speaker:** Yes. The Clerk will read.

#### Montreal Trust—Transfer

**Mr. Marcel Laurendeau (St. Norbert):** Madam Speaker, I beg to present the petition of the Bank of Nova Scotia Trust Company and Montreal Trust Company of Canada and Montreal Trust Company praying for the passing of an act to transfer the personal trusteeship and personal agency of Montreal Trust

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

THAT the obstetrics program has always been an important part of the Grace Hospital's mandate; and

THAT both people in the community and a number of government studies have recommended against the

further closure of community hospitals' obstetrics programs; and

THAT as a result of federal and provincial cuts in the health budget, hospitals are being forced to eliminate programs in order to balance their own budgets; and

THAT the closure of the Grace Hospital obstetrics ward will mean laying off 54 health care professionals, many of whom have years of experience and dedicated service in obstetrics; and

THAT moving to a model where more and more births are centred in the tertiary care hospitals will be more costly and decreases the choices for women about where they can give birth.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Health (Mr. Praznik) consider stopping the closure of the obstetrics program at Winnipeg's Grace Hospital.

\* (1335)

#### **Mobile Screening Unit for Mammograms**

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

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

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

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

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

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

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

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

*WHEREFORE YOUR PETITIONERS 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.*

**Madam Speaker:** I have reviewed the petition of the honourable member for Kildonan (Mr. Chomiak), and 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:** Dispense.

**Madam Speaker:** Dispense.

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

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

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

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

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

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

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

*WHEREFORE YOUR PETITIONERS 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.*

**Madam Speaker:** I have reviewed the petition of the honourable member for Osborne (Ms. McGifford), and 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:** Dispense.

**Madam Speaker:** Dispense.

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

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

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

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

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

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

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

*WHEREFORE YOUR PETITIONERS 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.*

\* (1340)

### **Central Guaranty Trust Company—Transfer**

**Madam Speaker:** I have reviewed the petition of the honourable member for St. Norbert (Mr. Laurendeau), and 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:** Dispense.

**Madam Speaker:** Dispense.

*Praying for the passing of an act to transfer the trusteeship and agency business of Central Guaranty Trust Company to TD Trust Company.*

### **PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES**

#### **Committee of Supply**

**Mr. Marcel Laurendeau (Chairperson of the Committee of Supply):** Madam Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again.

I move, seconded by the honourable member for Turtle Mountain (Mr. Tweed), that the report of the committee be received.

**Motion agreed to.**

#### **Standing Committee on Law Amendments First Report**

**Mr. Mervin Tweed (Chairperson of the Standing Committee on Law Amendments):** Madam Speaker,

I beg to present the First Report of the Committee on Law Amendments.

**An Honourable Member:** Dispense.

**Madam Speaker:** Dispense.

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

*Your committee met on Tuesday, June 10, 1997, at 10 a.m. in Room 255 of the Legislative Assembly to consider bills referred.*

*At that meeting, your committee elected Mr. Tweed as its Chairperson.*

*Your committee heard representation on bills as follows:*

*Bill 23—The Manitoba Public Insurance Corporation Amendment Act; Loi modifiant la Loi sur la Société d'assurance publique du Manitoba*

*Lyn Charney, Private Citizen  
Florence Fabbro, Private Citizen  
Terry Sansom, Private Citizen  
Lorie Dwornick, Private Citizen*

*Your committee has considered:*

*Bill 8—The Real Property Amendment Act; Loi modifiant la Loi sur les biens réels*

*Bill 13—The Insurance Amendment Act: Loi modifiant la Loi sur les assurances*

*Bill 23—The Manitoba Public Insurance Corporation Amendment Act; Loi modifiant la Loi sur la Société d'assurance publique du Manitoba*

*Bill 24—The Personal Property Security Amendment and Various Acts Amendment Act; Loi modifiant la Loi sur les sûretés relatives aux biens personnels et d'autres dispositions législatives*

*and has agreed to report the same without amendment.*

*Your committee has also considered:*

*Bill 6—The Natural Gas Supply Repeal and Public Utilities Board Amendment Act; Loi abrogeant la Loi sur l'approvisionnement en gaz naturel et modifiant la Loi sur la Régie des services publics*

*and has agreed, on division, to report the same with the following amendment:*

**MOTION:**

*THAT section 1 of the Bill be amended by striking out "c. N65" and substituting "c. 65".*

*Your committee has also considered:*

*Bill 26—The Corporations Amendment Act; Loi modifiant la Loi sur les corporations*

*and has agreed to report the same with the following amendment:*

**MOTION:**

*THAT the proposed subsection 349.2(4) as set out in section 23 of the Bill be amended by striking out "subsection 248(3)" and substituting "subsection (5)".*

**Mr. Tweed:** I move, seconded by the honourable member for St. Vital (Mrs. Render), that the report of the committee be received.

**Motion agreed to.**

### **Standing Committee on Public Utilities and Natural Resources Sixth Report**

**Mr. Gerry McAlpine (Chairperson of the Standing Committee on Public Utilities and Natural Resources):** I beg to present the Sixth Report of the Committee on Public Utilities and Natural Resources.

**An Honourable Member:** Dispense.

**Madam Speaker:** Dispense.

*Your Standing Committee on Public Utilities and Natural Resources presents the following as its Sixth Report.*

*Your committee met on Tuesday, June 10, 1997, at 10 a.m. in Room 254 of the Legislative Assembly to consider bills referred.*

*Your committee has considered:*

*Bill 3—The North American Environmental and Labour Cooperation Agreements Implementation Act; Loi sur la mise en oeuvre des accords nord-américains de coopération dans les domaines de l'environnement et du travail*

*and has agreed, on a counted vote of 4 Yeas, 3 Nays, to report the bill without amendment.*

*Your committee has also considered:*

*Bill 4—The Steam and Pressure Plants Amendment Act; Loi modifiant la Loi sur les appareils sous pression et à vapeur*

*and has agreed to report the same without amendment.*

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

**Motion agreed to.**

\* (1345)

## MINISTERIAL STATEMENTS

### Red River Valley Farmers

**Hon. Harry Enns (Minister of Agriculture):** Madam Speaker, I have a brief statement for the House.

Madam Speaker, I am very pleased to rise in the House today to acknowledge the determination and hard work of the Red River Valley farmers. At the height of the flood, fully 610,000 acres of prime Red River Valley farmland were under several feet of water. As of this morning, my staff reported to me that over 580,000 acres of this land have been seeded with only between 22,000 and 29,000 acres remaining. More importantly, my officials estimate that, God willing and with several more days of good weather, as few as 5,000 acres may be left unseeded for this crop year, which is mostly pockets of land in low-lying areas.

Madam Speaker, let me underline and repeat that. In other words, as much as 99 percent of the valley could be seeded this year.

Madam Speaker, I urge this House to join with me in applauding the determination and resourcefulness of the Red River Valley farmers who, for the second year in a row, have managed to defeat the Red Sea, and, in particular this year, the flood of the century.

Madam Speaker, while I am obviously elated with the tremendous progress in the Red River Valley, I must also make mention that there is need for rain in the westerly portion of the province. I am also aware that there are difficulties in other parts of the province, including the constituency of my critic from the opposition, the honourable member for Swan River (Ms. Wowchuk).

It is my sincere hope that all the producers of this province will receive the weather they need in the hope of a bountiful harvest this fall.

**Ms. Rosann Wowchuk (Swan River):** I, too, would like to take this opportunity to acknowledge the determination and the hard work of the farmers in the Red River Valley, but also all farmers in this province who worked very hard to ensure that and face the challenges of the elements of the weather, whether it be flood or drought or forest fires or whatever keeps them, but to ensure that we have a bountiful food supply in this province.

It is very encouraging to know that the majority of the land will be seeded, close to 99 percent. I commend those farmers. I guess we should, as the minister said, also thank the good Lord for blessing us with the weather that we need to meet those challenges, but we also have to remember that there are others who are out there, even if it is only 1 percent of the farmers. They are facing very serious challenges. Many of them will not be able to seed their land and many of them have lost their income this year, along with having lost their homes.

Our hearts go out to those people who are facing those challenges and hope that in the near future they too will be able to reap the benefits of being able to seed their crops. It has been a very challenging time to

face the flood of the century and, as I say, farmers throughout the province and throughout the country face many challenges.

I guess I want to say, Madam Speaker, that as well as commending the farmers and the many volunteers who worked to ensure that the people could adjust to the flood, I am disappointed that the two levels of government have not been able to work together. It is disappointing to hear a province's election promise of millions of dollars that are going to come in from the federal government and then not have the two levels of government able to work some solution out.

I think that is unfortunate, to hear that there is money coming and then have it come as election promises, and then have all of these farmers who are still facing challenges. What we have to look at is not only promises for the Red River Valley. We have to look at long-term solutions throughout the province when we face challenges for any disaster that faces farming communities. So I would like to extend my best wishes to those people who are still facing challenges and hope that they can do well in this year as well.

\* (1350)

## INTRODUCTION OF BILLS

### Bill 61—The Sustainable Development and Consequential Amendments Act

**Hon. Glen Cummings (Minister of Natural Resources):** Madam Speaker, I move, seconded by the Minister of Environment (Mr. McCrae), that leave be given to introduce Bill 61, The Sustainable Development and Consequential Amendments Act.

His Honour the Lieutenant Governor having been advised of the contents of this bill recommends it to the House. I wish to table his message.

**Madam Speaker:** It has been moved by the honourable Minister of Natural Resources, seconded by the honourable Minister of Environment, that leave be given to introduce Bill 61, The Sustainable Development and Consequential Amendments Act; Loi sur le développement durable 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. Agreed?

**Some Honourable Members:** No.

**Madam Speaker:** No?

### Voice Vote

**Madam Speaker:** All those in favour of leave being granted for the moving of this bill, please say yea.

**Some Honourable Members:** Yea.

**Madam Speaker:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Speaker:** In my opinion, the Yeas have it.

The motion is accordingly carried.

### Introduction of Guests

**Madam Speaker:** I would like to draw the attention of all honourable members to the public gallery where we have this afternoon twenty-seven Grade 8 students from the Austin Elementary School under the direction of Mrs. Beverley Wolfe. This school is located in the constituency of the honourable member for Gladstone (Mr. Rocan).

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

### ORAL QUESTION PERIOD

#### SmartHealth Ownership

**Mr. Gary Doer (Leader of the Opposition):** The provincial government has committed itself to a hundred-million-dollar contract to have a so-called SmartHealth organization dealing with our patient and health care records. SmartHealth has now sold,

apparently, its controlling interest to EDS, a company established by Ross Perot, which will now have access to all Manitoba patient records here in the province of Manitoba. I would like to ask the Premier: Did his government, which has the right to block these sales, consult with the various stakeholders that are discussing the health information system? Did they discuss this with the various stakeholders prior to approving this sale to this Ross Perot-established company?

\* (1355)

**Hon. Gary Filmon (Premier):** Madam Speaker, you know, it is unfortunate that the member opposite operates in such political ways to try and conjure up fears in the minds of people, making up the emphasis on Ross Perot, American-based company, and all those kinds of things. It is just such cheap politics being played by the Leader of the Opposition. It is that kind of tactic that is why he remains in opposition and will be there as long as he chooses to be in government.

The fact of the matter is that we are—

#### Point of Order

**Madam Speaker:** Order, please.

**Mr. Steve Ashton (Opposition House Leader):** On a point of order, Madam Speaker, I would like to call to your attention two breaches of Beauchesne. One is in terms of the fact that the First Minister is clearly violating Beauchesne Citation 417 and that answers to questions should be as brief as possible, deal with the matter raised and not provoke debate.

Clearly, Madam Speaker, the Premier is doing anything but answering the question.

Also, I point to Beauchesne Citation 489 that the term “cheap political way,” which is very similar to the term that the First Minister just used, is clearly unparliamentary and rather than allow the First Minister to continue with these kinds of personality attacks and insults, I would like to ask you to call him to order and answer a very serious question—about SmartHealth and the new sale of SmartHealth from the Royal Bank to a company established by Ross Perot—that is clearly in

the public interest. Madam Speaker, the First Minister should answer that question.

**Madam Speaker:** The honourable First Minister, on the same point of order.

**Mr. Filmon:** On the same point of order. Clearly, Madam Speaker, what the opposition House leader is doing is making my case for me because he is referring to cheap, personal attacks, and that is exactly what this individual was doing when he was talking about Ross Perot, a person who is not here to defend himself. Clearly, he is making the case that his own Leader in his preamble was attempting to play cheap politics with the issue as opposed to dealing with the substance of the issue. If the member opposite wants to deal with the substance of the issue, let him do so in a gentlemanly fashion.

**Madam Speaker:** The honourable Leader of the official opposition, on the same point of order.

**Mr. Doer:** On the same point of order, we are not dealing with the thin skin of the Premier. I asked the question of whether he consulted with the stakeholders. Simple question: Did you, yes or no, before you approved the sale? That is all I asked, and I would ask the Speaker to get control over this thin-skinned Premier to start answering in a substantive way.

**Madam Speaker:** Order, please. I would remind all honourable members to pick and choose their words carefully. The Chamber is not a place for personal insults or name-calling.

\* \* \*

**Madam Speaker:** The honourable First Minister, to quickly complete his response.

**Mr. Filmon:** Madam Speaker, the point of the matter is that the member opposite is in error in his preamble when he refers to a company that will have access to the private health records of Manitobans. They will not have access to the private health records of Manitobans. They will in fact control and prevent unauthorized access to the private health records of Manitobans. In fact, that is exactly how these companies work, and this company, in particular, controls the information for

Scotland Yard and prevents any unauthorized access to all the information that will be there for the protection of Manitobans.

\* (1400)

**Mr. Doer:** The Premier did not answer the question. I asked him whether he consulted with the stakeholders here in Manitoba, you know, those made-in-Manitoba stakeholders that are here in this province dealing with our health care records, our patient records. I asked the Premier whether you consulted with the MMA, the College of Physicians and Surgeons, nurses, and he did not answer the question. I do not know why he cannot answer any questions in a simple way.

I would like to ask the Premier again: Is it not appropriate that the government, who has a group of stakeholders to deal with this formerly made-in-Manitoba company which is now changed, does it not make sense for the government itself to consult with the people that are working on the front lines of this information that are the stakeholders? Did the government consult with them? If they did not, why did they not on behalf of Manitobans? Why are you so afraid to answer the question?

**Mr. Filmon:** Madam Speaker, the stakeholder groups have been consulted throughout the process about the design of the system that will ensure that all of the handling of the private information of Manitoba Health will be done in accordance with the act that is being passed in this Legislature. This Legislature, through its act, will control the protection of any information. This is a company contracted to design the system that will assure that protection.

I might say, Madam Speaker, that, from the narrow perspective of the Leader of the Opposition who, in his desire to be able to criticize anything that is done by this government, he ignores the fact that my colleague Premiers across western Canada, including one of New Democratic persuasion, acknowledge the leadership that Manitoba has in this field of being able to for the first time ever produce a system that will not only protect the information—instead of the private information of Manitobans on health care, unlike the new dumpster party that allowed, under their jurisdiction, records to be thrown into wastebaskets and waste bins, floating around the streets of Winnipeg for

anyone to see. That is what they did with health records in Manitoba. That will not happen, because we will protect it adequately.

### **Health Records Privacy Information and Privacy Commissioner**

**Mr. Gary Doer (Leader of the Opposition):** Madam Speaker, at least we are proud to put our name of our political party on our party signs, unlike the members opposite who have to hide it—not that that is in order, of course. I guess the Premier is having another tough week, and he is getting more thin-skinned as he goes along.

The Manitoba Medical Association, which has been dealing with the government, said they will not cooperate with the provincial government in dealing with confidential patient records unless the government provides for a privacy commissioner to deal in a full and forthright way with the whole issue of privacy here in Manitoba. Will the Premier be listening to doctors who are calling on a much stronger piece of legislation with the privacy commissioner, or is he going to carry on in the way he has in the past, contrary to the advice of doctors here in Manitoba?

**Hon. Gary Filmon (Premier):** Madam Speaker, we will listen to all Manitobans when we make our decision. Indeed, the bill that we have before the Legislature will be the subject—presuming that it is able to go to committee stage—of an open public hearing process in which all Manitobans will be allowed to present their views and their concerns.

Madam Speaker, the member opposite seems to believe that it is more important to listen to the bargaining agents for the doctors than it is to listen to their professional body. That is why the College of Physicians and Surgeons are involved as stakeholders in the development of this entire process, including the legislation, to protect the interests of all Manitobans in their health care records.

### **SmartHealth Ownership**

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, with respect to this deal, the Premier is wrong on two

counts. Firstly, SmartHealth, now the new firm, the new 51 percent base firm, will have access to confidential information. It is in the contract. The Premier ought to read the contract. Secondly, the Premier did not consult with stakeholders before agreeing in this contract, including the college, before agreeing to sell and allow the sale which the province had the power to quash before doing that.

I would like the Minister of Health to explain how it is that somehow along the way to never-never land with this new contract, that is way behind schedule, has delivered nothing in terms of the contract and the deliverables—and we are paying a hundred million dollars of taxpayer money to put our records on file—what the justification was to sell for \$50 million the SmartHealth portion to this new Ross Perot-based originally founded firm.

**Hon. Darren Praznik (Minister of Health):** Madam Speaker, I have never heard so much false information, so much fearmongering, so many inaccuracies from the member for Kildonan. I would need 15 minutes to correct all of the errors in the member's statement. The fundamental point here is Manitoba wants to move forward to have one of the best information systems in the world and members opposite do not want that.

Madam Speaker, we have an excellent contract in place with SmartHealth. The ownership of SmartHealth has changed. We have done our due diligence to make sure that the contract will in fact remain in place, that all aspects of it remain in place, and we were comfortable that it is in fact the case. So all the protections that have been there—and what is the criticism? What are the criticisms of the New Democratic Party? They pull names like Ross Perot. If we talked about cakes, I am sure they would invoke Betty Crocker. The bottom line is we have some of the best information people in the world working here in Manitoba to bring us into the next century and the dinosaurs across the way want to go backward.

**Madam Speaker:** The honourable member for Kildonan, with a supplementary question.

**Mr. Chomiak:** Madam Speaker, will the minister, whose government said the same thing about Connie Curran, whose government said the same thing about

Holiday Haven, whose government said the same thing about not lying about MTS, explain to the members of this House why, on the way to this hundred-million-dollar deal with Royal Bank—Royal Bank was supposed to have the expertise, Royal Bank was supposed to have the technology, Royal Bank was supposed to deliver the contract. They have not, and now they have been forced to sell 51 percent of their company to EDS, an international-managed health care firm. Why did that happen? Is it because they have not been able to deliver the contract? Is that not the truth?

**Mr. Praznik:** Madam Speaker, that is not the truth at all. The fact is, in the context of—beginning, the Royal Bank is one of the best in the country. They have now a strategic alliance with another which is in the top category of information systems.

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

**Mr. Praznik:** Madam Speaker, you know, the members laugh, but we have listened to their questions. We have listened to the member for Osborne (Ms. McGifford), and what underlies everything they say is not the detail, but they are opposed to moving forward into the electronic age in health information.

Madam Speaker, I ask them to look at the gallery, to those young children, because they look down on us. They are learning computers; the information that they use is in computers. They are going to be in the next century. They are leaving members opposite—

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

**Madam Speaker:** Order, please.

**Mr. Chomiak:** Madam Speaker, can the Minister of Health explain to the average Manitoban who will be sitting at home tonight watching this in Question Period, or this afternoon, how it is the province would pay—[interjection]

Maybe the Premier (Mr. Filmon) would like to answer a question, if he wants to. Can the minister explain how the average Manitoba—how can he explain to them how this government would sign a hundred-million-dollar contract with Royal Bank and promise

that they are a Manitoba-based company with Manitoba technology and that they are going to deliver—they have not delivered anything to this point, well after the contract—how they now allow that contract to be sold, the majority interest to a U.S.-based health management firm and how they explain the fact they did not consult about the information or the contract with the very stakeholders that are supposed to protect that information? They have not answered one of those questions yet, because they cannot because it is a lousy deal. They knew it from the beginning, and they know it now, and they cannot defend it.

**Mr. Praznik:** Madam Speaker, I am going to put this in very realistic terms for members opposite. I am going to put it in personal terms. When my daughter was two years old and was admitted into the Health Sciences Centre and had to have blood extracted from her for a test in the emergency admitting, with a big needle for a little two-year-old girl with a small arm, three hours later when we went up to put her into a room, a bed up in the Children's Hospital, and the nurse walked in to draw blood from a terrified little child again, and I said, she already had a test, she said, I am sorry, the information is not here.

Can members opposite explain to that two-year-old, that frightened two-year-old, why that information was not up in the nursing station? Can they explain why that has not happened? No. That is real terms; that is real people. We are going to move forward despite them.

### **Gaming Control Commission Staffing**

**Ms. MaryAnn Mihychuk (St. James):** Madam Speaker, repeatedly this government has expanded gambling in the province while disregarding the views of the public. Even the Desjardins report has been put aside so that the Minister of Finance can act on his own. While the appointment of the Gaming Control Commission in February suggested the government might actually listen and halt expansion, the Minister of Finance on his own last month committed to expanding the bingo palaces by \$50 million, closing the Crystal Casino and making other significant policy changes such as putting alcohol in the casinos.

My question to the minister responsible for the so-called Manitoba Gaming Commission: Since the major policy decisions are made by the Minister of Finance, why does the Gaming Commission need a hundred-thousand-dollar CEO and a \$60,000 special assistant coming from one of the minister's offices to help the Gaming Control Commission which has not met since February? Never met.

\* (1410)

**Hon. Eric Stefanson (Minister charged with the administration of The Manitoba Lotteries Corporation Act):** Madam Speaker, I encourage the member for St. James to read all of the background information on all of these issues, to go back to the Desjardins report and look at what they recommended. They recommended the establishment of the independent Gaming Commission. We are acting on that initiative. They made recommendations relative to VLTs. We have taken action in terms of a removal of some 650 VLTs or 15 percent of the VLTs across Manitoba. They recommended that we do an independent feasibility study of the Crystal Casino and the consolidation issue of casinos in Winnipeg. That has been done, and we have acted on those recommendations.

What we have said all along is there are bodies that provide advice, do research, make recommendations to government, but at the end of the day, Madam Speaker, governments are held accountable. We are prepared to be held accountable for the decisions that we make on behalf of all Manitobans.

### **Policy Development**

**Ms. MaryAnn Mihychuk (St. James):** Madam Speaker, my question to the minister responsible for the Manitoba Gaming Commission: Was he correct when he said on CJOB that they will be setting policies, or is it the Minister of Finance that is going to set the policies on gaming?

**Hon. Mike Radcliffe (Minister responsible for The Gaming Control Act):** Madam Speaker, I thank my honourable colleague across the way for that question, because that gives me the opportunity to explain to her, as she obviously was not listening to the broadcast

yesterday on CBC, that there is a difference, a world of difference between the operation side, which is the Lotteries Corporation, which handles the day-to-day management and operation of the gaming function in Manitoba, and the policy management which will be the Gaming Commission. They will be—[interjection] I would beg indulgence of the honourable colleague for Thompson (Mr. Ashton) to let me finish my answer.

I would say, Madam Speaker, that the Gaming Commission is charged with the function under the Desjardins report to set policy, to be an adjudicator of disputes, to be the license authority and the regulatory authority for employees, for games and for licensing. If my honourable colleague across the way needs any further elucidation, I would be glad to give it to her in this Chamber today.

**Ms. Mihychuk:** Madam Speaker, if this government hopes to have any integrity, the Minister responsible for the Gaming Control Commission—

**Madam Speaker:** Question, please.

**Ms. Mihychuk:** My question to the Minister responsible for the Gaming Control Commission: If he is to have any credibility and if the people of Manitoba are to believe you that this is an independent commission to oversee gaming policies, refer the recommendations from the Price Waterhouse report to that commission and allow public review and an open consultation on those policy matters.

**Mr. Radcliffe:** The world has to keep turning, and the Lotteries Corporation has to keep functioning. Decisions have to be made. We cannot grind government and government functions to a standstill as my honourable colleague across the way would suggest. There will be a plethora of problems that the Gaming Commission will be glad to assume, and I have the greatest confidence in the expertise of the Gaming Commission, of the staff that is being hired, and they will not be bereft of tasks to do. So, Madam Speaker, it has been very appropriate that the management of the Lotteries Corporation has been functioning and carrying on in an appropriate fashion and a consultative fashion. The people of Manitoba will be well served by the steps that have been taken to date, as they will by

the work of the Gaming Commission that we can look forward to anticipating.

### **Canadian Corrosion Control Stop-Work Warning**

**Mr. Daryl Reid (Transcona):** Madam Speaker, in Judge Minuk's inquest report on Andrew Kuryk and the Canadian Corrosion Control company, it was made clear that the company had a long history of violations of The Workplace Safety and Health Act. In response to my questions about Canadian Corrosion Control, the Minister of Labour has stated four times in this House that the stop-work warning issued to Canadian Corrosion Control in 1991 was complied with. Yet the chronological sequence of events attached to the inquest—of which I have a copy here—clearly indicates that that 1991 stop-work warning was not complied with by the company owners because they said they were a small company and did not have the money necessary to provide the safety equipment for their workers.

I want to ask the Minister of Labour: Who is telling the truth in this matter, the Minister of Labour, who says that the company immediately complied with the stop-work warning, or Judge Minuk who said that the company did not? Who is telling the truth?

**Hon. Harold Gillehammer (Minister of Labour):** Madam Speaker, I certainly would not accept the comments made by my honourable friend. My staff have informed me that improvement orders were put in place on the company and these were complied with. Also, that a stop-work warning was put in place and that this was complied with.

### **Workplace Safety—Prosecution**

**Mr. Daryl Reid (Transcona):** Madam Speaker, then I will table a copy of Appendix F of the Canadian Corrosion chronological report that was appended to Judge Minuk's report, and I will table that, showing that the order was not complied with.

I want to ask the minister: What direction did this Minister of Labour send, what direction did his department send to the Department of Justice, who prosecutes in these matters, with respect to the

Canadian Corrosion Control fatality when Andrew Kuryk was killed as a result of a workplace accident? What recommendations did his department send to Justice with regard to the prosecution of the company and the owners?

**Hon. Harold Gilleshammer (Minister of Labour):** Madam Speaker, my department compiled the facts and all of the issues to do with this case and forwarded it to the Department of Justice, indicating that they recommended a prosecution.

### Workplace Safety and Health Act Prosecutions

**Mr. Daryl Reid (Transcona):** Madam Speaker, then I want to ask the Minister of Labour, who did not answer that second question, because he did not talk about the owners being named in that prosecution as well. We know the charges were stayed against the company, so no one has been charged as a result of this accident.

Will this minister—since there had been 27 Workers Compensation claims for deaths last year alone—agree to recommend that company owners be prosecuted, in addition to naming the companies, when they make recommendations to the Department of Justice for prosecution in these matters?

**Hon. Vic Toews (Minister of Justice and Attorney General):** Madam Speaker, I think that there is a close working relationship between the staff at Workplace Safety and Health and the departmental people in my department, the Prosecutions branch. The cases that are sent over by Workplace Safety and Health are, from my experience, done in a very thorough way. I believe the Department of Justice responds in a similarly thorough manner, determining what are the appropriate charges, and if appropriate charges are there and it is in the public interest to do so, as they must make that determination, those charges are laid.

### SmartHealth Head Office Location

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, when the government moved toward SmartHealth, the Liberal Party actually applauded the government on its

action with respect to moving toward the future. When I met with representatives from SmartHealth, there was a great deal of optimism in the sense that Manitoba was going to have the head office. Manitoba was going to be on the leading edge of providing this sort of technology which would transpire into many jobs for the province.

My question to the Minister of Health is: Given that we have seen the sale of SmartHealth, a significant percentage of shares, will Manitoba still see those benefits, such as the head office remain in the province of Manitoba?

**Hon. Darren Praznik (Minister of Health):** Madam Speaker, I would like to thank the member for Inkster for this question. The contract is in place exactly as it was yesterday with that organization. The only difference is there has been a change in its ownership. [interjection]

Well, members opposite laugh, but any first-year contract student would understand that, but that may be asking too much from members opposite. I know in the Free Press article there was some reference to the head office being here for another three and a half months. That was incorrect; it was three and a half years, which is the life of the contract. Their intention of course is, with the experience they garner in Manitoba with how they build an information system, one of the best in the world, they are hoping that becomes a product that is sold around the world—not the information, but the system.

Members opposite in the New Democratic Party do not understand it. I know the member for Inkster does.

\* (1420)

**Mr. Lamoureux:** Madam Speaker, I would seek the assurances then from the government that this sale will have no impact on the promises and the types of guarantees that were in fact being committed. Even when the contract expires, when I had raised the issue with SmartHealth, they said that they had anticipated that Manitoba was in fact going to lead throughout not only Canada but in North America. Does this minister still feel as confident today as the Minister of Health no

doubt would have felt back when this was initially signed?

**Mr. Praznik:** The member for Inkster, I think, in his question, demonstrates a very in-depth knowledge of what this is about. [interjection]

Members laugh in the New Democratic Party, but they could learn a few things from the member for Inkster about this particular matter. The guarantees and promises, I have said, remain intact today, as they were yesterday and as they have been in the past. In fact, I would suspect that, given the involvement of MDS and their greater experience in this area as a company, the Royal Bank taking their experience in finance and moving into new markets, I am even more hopeful today that we will see the realization of those provinces in even a greater way, even greater benefit for the people of Manitoba.

#### **Ownership—Minister's Awareness**

**Mr. Kevin Lamoureux (Inkster):** I am wondering if the minister can indicate when he first learned about the sale and if in fact he has met with representatives from EDS.

**Hon. Darren Praznik (Minister of Health):** I do not recall the exact date. It was some weeks ago that the SmartHealth people, with Royal Bank representatives and representatives of EDS, met with myself and some others and indicated that this purchase was in the works. We conducted, through Treasury Board and Finance, our due diligence to make sure that we were in fact—all elements of our contract remain the same. That has been done, and I have met with them since, as they have concluded their arrangement. I can tell the honourable member, given their world experience, given the fact that they employ some 2,800 Canadians in their Canadian operation, given the fact that we are in a world that is moving very quickly in information technology that the member for Concordia (Mr. Doer) escapes—he will have us going back to slates and chalk, I am sure, if he ever is in government.

I am very comfortable that we are going to be and are on the leading edge of information technology in this area, and Manitobans are going to be extremely well served. My little daughter and other little children like

her will not have to have two blood tests unnecessarily as long as this party is in power. The New Democrats, we cannot guarantee that.

#### **Brandon General Hospital Physician Resources**

**Mr. Leonard Evans (Brandon East):** I have a question for the Minister of Health. The status of the Brandon General Hospital as a regional hospital is being undermined by the loss of many specialists available in Brandon. We have lost obstetricians, pediatricians and urologists. We no longer have a dermatologist, and we now have only one part-time ophthalmologist and one part-time nose, ear and throat specialist.

Will the minister undertake to assist the Brandon General Hospital in finding the required medical staff to enable the Brandon General Hospital to continue to be a meaningful regional health facility in western Manitoba in the future?

**Hon. Darren Praznik (Minister of Health):** I thank the member for that question. I know the former Minister of Health and member for Brandon West (Mr. McCrae) is also very much concerned about this issue. I know that the chair and CEO of the Brandon Regional Hospital Authority were attempting to arrange a meeting to look at some options for recruitment of specialists there, but I can assure him it is our intention, to the best of our ability, as it is that board, to see Brandon be a truly regional centre.

In fact, in establishing the Brandon Regional Hospital Authority, we provide for appointments, cross-appointments to the two neighbouring rural regional health authorities, recognizing that the Brandon hospital has, I believe, at least an expanding role to play. But there is a great deal of work that has to be done in recruiting specialists, and that is a very complex issue, as the member knows, but I thank him for his question, and we make that commitment.

**Mr. Leonard Evans:** I thank the minister for his answer. So he is telling us today that he is going to take whatever steps are necessary to correct the situation because the hospital needs four obstetricians; it only has two. It needs four pediatricians; it only has two. It

used to have two neurologists; it only has one part-time neurologist now. It used to have two urologists; it now has only one. We have lost the eye, ear, nose and throat specialist; we only have one part time. There is no dermatologist anymore. We have lost the ophthalmologist; there is only one part time. So it is a serious situation. I ask the minister if he would do everything possible in his power to correct the situation.

**Mr. Praznik:** The recruitment of physicians and specialists is a very complex area because it is not a matter of just willing it. Often it is not even a question of money, but there are a host of factors involved, and it involves a strategy. The member well knows we have difficulty in hosts of areas around Manitoba in recruiting necessary medical staff, but whatever we are able to do that is reasonable, we certainly intend to do in concert with the Brandon Regional Health Authority.

#### Emergency Services

**Mr. Leonard Evans (Brandon East):** Madam Speaker, further to my previous question on the loss of emergency services at the Brandon General Hospital as of June 30, can the minister tell me today whether he will or can guarantee that the Brandon General Hospital will have sufficient funds provided to ensure that the emergency services will be available beyond June 30 on a 24-hour, seven-day-per-week basis?

**Hon. Darren Praznik (Minister of Health):** As the member may or may not be aware, we have a very serious issue in emergency services today across rural and northern Manitoba. We have a number of communities, including Beausejour, Steinbach and I believe Winkler, where services have already been withdrawn.

Madam Speaker, there are a host of ad hoc arrangements that have been made with a host of boards by their former boards. In taking over with the regional health authorities, we discover these things. So what we are attempting to do, as I have outlined in this House before, we did set up a 90-day process with the MMA, the college, the regional health authorities, and we are working toward that June 30 deadline with a proposal that should provide a means of solving, we think, the emergency situation on a province-wide basis. Brandon is one part of that province wide, and we recognize the importance of June 30. We are

working toward that deadline now. As I have said, the parties, all parties have been at the table working very diligently through the variety of options that are available to us.

#### Teulon Rural Development Bond Corporation Interest Arrears Payment

**Mr. Tim Sale (Crescentwood):** Madam Speaker, for the Minister of Rural Development. The Teulon Grow Bond corporation has indicated that it is prepared to pay out interest arrears that have been owing for some time, but they are saying to bondholders, according to a document received by them all, that they will only pay out interest arrears to those who agree to renew their bonds for another five-year term.

Madam Speaker, has the Minister of Rural Development approved this arrangement of creating, after the fact, a separate class of bondholders, namely, only those who will agree to extend the term of their bond will get the interest they were entitled to by the prospectus? Has he approved of this arrangement?

**Hon. Leonard Derkach (Minister of Rural Development):** Madam Speaker, that, I believe, is a proposal that has been sent to the bondholders by the company. That is not something that comes to my desk for approval, but indeed, as the members knows, there have been arrangements that have been negotiated back and forth between the bondholders and the Teulon company in the spirit of trying to keep the company viable and also in attempting to ensure that the jobs and that the company continues to operate in Teulon. However, it is up to the bond corporation and the bondholders to either accept or reject that proposal, and that relationship is one that we do not interfere in. However, if there is a problem, there is a regulation and legislation that we will comply with to ensure that no bondholder is left out there, but the member must understand that the interest on bonds is not a guarantee from the province or from the corporation.

**Mr. Sale:** Madam Speaker, I will table the document I referred to.

I would like to ask the minister whether he does not consider that in effect the Grow Bond corporation has reached back into the original prospectus and has changed the classification of the bonds so that only

those who agree to a 10-year bond will have the right to have back interest paid. I would like to ask the minister if he would refer this to his legal counsel to see whether the corporation is acting properly under his act, The Grow Bond Act, and under the attendant regulations by creating two classes of bondholders, which are not provided for in the prospectus.

\* (1430)

**Mr. Derkach:** Madam Speaker, indeed my department staff do work with not only the company but also with the Grow Bond corporation, and any agreement that is put in place will not only have to be agreed to by the bondholders and by the corporation, but indeed we will try to ensure that all of the legal aspects of the agreement are in place so that the company can continue and will be in compliance with the legislation and the regulations that are set.

#### **Disaster Assistance Agricultural Losses**

**Ms. Rosann Wowchuk (Swan River):** Madam Speaker, during the federal election we heard all kinds of promises of money for farmers who were affected by the flood. Farmers were to receive payments for unseeded acreages. I am very pleased that farmers have been able to seed and very few will have to collect payments, but there are still many farmers who have not seeded and who have been misled by the federal government. In fact, the program that we are seeing now is completely different and has nothing to do with unseeded acreages.

I want to ask the Minister of Agriculture why his government was unable to negotiate a long-term agreement with the federal government on farm assistance so that all farmers who suffer disasters are offered assistance, not just promises during federal elections.

**Hon. Harry Enns (Minister of Agriculture):** Madam Speaker, I believe the honourable member for Swan River is aware of the fact that one of the reasons why so much attention is being paid to the development and improvement of what we refer to as our safety net programs—in Manitoba essentially it is the crop insurance, the basic crop insurance program that was

considerably enhanced in the last year—because the opportunity or the likelihood of ad hoc support programs in the future simply are not going to be there. That is why I want to take this opportunity to encourage producers throughout Manitoba to take advantage of the crop insurance program that is being offered, which includes and continues to include a program for unseeded acreage. For those farmers—and I understand there could be some in her district this year who for different reasons find themselves unable to put in a crop—they should avail themselves of the program of assistance that is available under crop insurance.

**Ms. Wowchuk:** Madam Speaker, since the federal government was so generous during the election and made \$10 million available for assistance to farmers, and it has not been used and in all likelihood will not be used, what steps will the Minister of Agriculture take to ensure that that is in fact allocated to Manitoba farmers for safety net programs, as he indicates are very important to the producers of this province?

**Mr. Enns:** Madam Speaker, I must correct the honourable member. If indeed the federal government, for whatever reason, because of the election or whatever, felt the need to provide this assistance to farmers, it was the assistance of this government that that be provided to all farmers, including those on the upper Assiniboine in the Swan River. They have steadfastly refused to do that, and that was the reason why the government of Manitoba could not, in fairness to all farmers, participate in this program. I welcome, invite, particularly those farmers who feel that they ought to avail themselves of some of the federal government's support, feel free to contact the federal government, feel free to call Mr. Iftody, for instance, in the Red River Valley and ascertain for themselves what kind of support is available.

**Madam Speaker:** Time for Oral Questions has expired.

### **ORDERS OF THE DAY**

#### **House Business**

**Hon. James McCrae (Government House Leader):** Madam Speaker, I do not have it clear in my mind whether there would be a disposition to waive private

members' hour today. Perhaps you might find out for me.

**Madam Speaker:** Is there leave to waive private members' hour today? [agreed]

**Mr. McCrae:** I would like to request leave of the House to permit the Standing Committee on Economic Development to sit tomorrow morning, June 12, at 10 a.m. as has previously been scheduled, but what we need leave for is to allow that to happen while the House is sitting.

**Madam Speaker:** Is there leave of the House to permit the Standing Committee on Economic Development to sit tomorrow morning, June 12, at 10 a.m. as previously scheduled while the House is also sitting? [agreed]

**Mr. McCrae:** I would like to announce, Madam Speaker, that the Standing Committee on Law Amendments will meet on Thursday, June 12, at 7 p.m. and, if necessary, on Friday, June 13, at 10 a.m. to consider Bill 7. I expect, perhaps later this afternoon, to announce a further committee for Friday morning at 10 a.m. as well, but I think we will do that a little later this afternoon. Perhaps, before I announce which bills we should proceed with, the Whip for the opposition has a motion to make.

**Madam Speaker:** The announcement is that the Standing Committee on Law Amendments will meet on Thursday, June 12, at 7 p.m. and, if necessary, on Friday, June 13, at 10 a.m. to consider Bill 7.

### Committee Changes

**Mr. George Hickes (Point Douglas):** I move, seconded by the member for Broadway (Mr. Santos), that the composition of the Standing Committee on Economic Development be amended as follows: Transcona (Mr. Reid) for Kildonan (Mr. Chomiak) for Thursday, June 12, 1997, for 10 a.m.

**Motion agreed to.**

### House Business

**Mr. McCrae:** It may well be that, pursuant to further discussions, we may indeed refer other bills to the Law

Amendments committee for Friday morning, depending on what happens with Bill 7, but again, I will talk to the members of the House about that a little later this afternoon.

Madam Speaker, if you would be so kind as to call the bills for second reading introduction as listed on pages 8 and 9 of the Order Paper, with this modification: if you move Bill 60, the last bill listed, to the beginning. That is the bill standing in the name of the honourable Minister of Housing and Urban Affairs and Seniors (Mr. Reimer) and if we deal with Bill 60 first and then the rest in the order listed. Following which, would you then call Bills 9, 2, 28, 20, 25, 40, 18, 57, 55. If those bills are not enough to keep this House busy this afternoon, then I guess we can go to the remainder of the bills on the Order Paper.

### SECOND READINGS

#### Bill 60—The Elderly and Infirm Persons' Housing Amendment Act

**Hon. Jack Reimer (Minister of Housing):** Madam Speaker, I move, seconded by the Minister of Government Services (Mr. Pitura), that Bill 60, The Elderly and Infirm Persons' Housing Amendment Act (Loi modifiant la Loi sur le logement des infirmes et des personnes âgées), be now read for a second time and referred to a committee of the House.

**Motion presented.**

**Mr. Reimer:** Madam Speaker, I am pleased to introduce for second reading Bill 60, an amendment to The Elderly and Infirm Persons' Housing Act. The bill contains the following: A change to the definition of elderly persons' housing unit along with a provision giving the department the authority to regulate the type of unit that will be licensed under the act and provisions to allow buildings currently licensed under the act to continue to be licensed.

Let me provide you some of the details of these amendments. Enacted in 1959, the Elderly and Infirm Persons' Housing Act or commonly known as The EIPH Act was intended to encourage municipalities to develop adequate nonprofit housing for low-income seniors. The act provided a framework for

development by setting out physical and operational standards, including age and income criteria for the seniors to be housed, and by providing grants to offset the capital cost of development.

The act has become less relevant for a number of reasons. For example, over time the framework it provided was replaced by other programs. The capital cost of providing seniors' housing was offset by other programs and funding options. Consequently, no new grants have been issued under the act since the 1970s. Physical and operational standards set out in the act are now regulated through other legislation.

Because of changing social and economic conditions, the income criteria specified by the act are no longer congruent with the original intent, that is, to provide housing for lower-income seniors. However, buildings continue to be licensed under the act because the licences are used by assessment authorities as verification that projects meet the age and the income requirements or qualifications necessary for the project to be exempt from school taxes under The Municipal Assessment Act.

Without the licence, a project might lose the exemption and the increased costs could be offset by increased rents. This is particularly difficult for nonprofit projects subject to rent control and might threaten the viability of some projects. The act defines eligible elderly persons as those with incomes no more than five times the rent of the individual units. Although the income criteria worked well when the housing being developed was modest, they no longer operate to restrict the EIPH licence to buildings housing lower-income seniors.

The bill before you contains amendments to allow the Department of Housing to regulate the type of units that would qualify for an EIPH licence and restrict its application—

**Madam Speaker:** Order, please. Sorry.

**An Honourable Member:** His microphone is off.

**Mr. Reimer:** Is the mike on? Yes, it seems to be recording, Madam Speaker, giving the indication anyway.

### Point of Order

**Ms. Marianne Cerilli (Radisson):** I was having difficulty hearing the member. I heard a distinct change, and it sounded like the microphone went off for a period of time. I just request that you ensure that it is being recorded. Thank you.

**Madam Speaker:** I thank the honourable member for Radisson for that clarification. I wonder if I might ask for the co-operation of all honourable members in having their private meetings either in the loge or outside the Chamber; but, in particular, more quiet please so that people can indeed hear.

\* \* \*

**Mr. Reimer:** The bill before you contains amendments to allow the Department of Housing to regulate the type of units that would qualify for EIPH licence and restricts its applications to more modest projects with smaller units intended for lower-income seniors. The regulations will impose size restrictions similar to the modesty standards used in a former federal-provincial private nonprofit housing program. There are currently 184 buildings licensed under The EIPH Act. The vast majority provide modest housing for low-income seniors. Most of the newer projects, although they qualify for a licence under the current act, do contain units that do not meet the size limitations being proposed. However, as I noted earlier, impact on the loss of the exception would be very severe for a number of these buildings. For that reason, the bill also contains an amendment that would allow for the continuation of existing licences while the exception issue is being further reviewed.

\* (1440)

My department's mandate is to enhance the affordability of, the accessibility of adequate housing for Manitobans. At the same time, as the Minister responsible for Seniors, I am concerned with the housing needs of this province's seniors, particularly those with lower incomes. The Elderly and Infirm Persons' Housing Act has, in the past, served its purpose well. It is time to bring the act in line with current economic and social conditions and to ensure

the provisions of the act again reflect its intent, purpose, to enhance the development of affordable housing for seniors.

In conclusion, Madam Speaker, I recommend this bill to the members of the Legislature for their consideration and their adoption. Thank you very much.

**Madam Speaker:** Is the House ready for the question?

**Mr. Kevin Lamoureux (Inkster):** Madam Speaker, I just want to say a few words on this particular Bill 60. Having listened to what the Minister of Housing has said on the record with respect to the basic understanding of the bill, I guess I would just want to very briefly emphasize the importance of elderly person housing. In the past, what we have seen is there has been more of a higher vacancy rate in many different nonprofit housing complexes because I believe, in part, that there has been a need for somewhat of a change. The change even goes a little bit broader, and that is why I am going to talk really about the principle of the bill in the sense that there are a number of units that are out there that are not fully utilized for the simple reason of their size. The minister, I am sure, is well aware of the number of vacancies of those small bachelor-type suites—

**An Honourable Member:** 400-plus.

**Mr. Lamoureux:** The member for Burrows indicates 400-plus, and it is probably somewhere in around that number. I have had an opportunity to visit some of them, and in campaigns I can recall calling them like a shoe box of sorts where you walk in and to the left here you see the bathroom and you take one baby foot forward and there is the kitchen and then there is the living room along with the dining room-bedroom. It is all in one room, and those buildings, in many ways, went up prior to this particular administration. We quickly realized that what we needed to do is to be able to have better facilities for our seniors, that it is not just a question of providing a facility and saying, here, you have to pay this percentage of your income and that is where you are going to be spending, because for many of them this is maybe their last stop before they go to a personal care home or something of this nature.

I think that we want to provide a decent standard of living for our seniors, and that is the reason why, Madam Speaker, in principle, when we look at this particular bill, it deals with more of the financial aspects. We need to review how we are going to deal with a number of those EPH housings that are out there, elderly persons housings that are out there so that we can better utilize some of the space, and that might mean in some areas trying to have a little bit more of a mixture. I know we have even dropped the age in the past in order to allow people to fill some of these particular facilities.

With those few words, we have no problem with this particular bill going to committee.

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

**Motion agreed to.**

#### **Bill 44—The Municipal Amendment Act**

**Hon. Leonard Derkach (Minister of Rural Development):** Madam Speaker, I move, seconded by the Minister of Health (Mr. Praznik), that Bill 44, The Municipal Amendment Act; Loi modifiant la Loi sur les municipalités, be now read a second time and be referred to a committee of the House.

**Motion presented.**

**Mr. Derkach:** In accordance with the recommendations made by the municipal Employee Benefits Board, the Manitoba government will be providing it with the authority for the administration of municipal employee pensions. It is our intent to transfer responsibility for the employee pensions to employers and employees under a trust agreement to be administered by the board.

However, in order to proceed, The Municipal Act will have to be amended. The amendments were first suggested by the municipal Employee Benefits Board, which represents employers and employees when the new Municipal Act was being drafted for introduction at the 1996 session of the Legislature. Unfortunately, at that time, there was insufficient time to draft the

legislation with respect to the municipal employee pensions.

The Municipal Act moved forward with municipal employee pension provisions from the old legislation, but with the understanding that amendments would be introduced as soon as possible. What has been carried forward are some 70 pages of regulations to The Municipal Act that deal with the structure and operations of the municipal Employee Benefits Board.

The legislative amendments we are proposing would eliminate those regulations and put in their place a trust agreement to be operated by the board, which will streamline operations and allow the plan to be more responsive to its contributors. The amendments are supported by the municipal employers through the Union of Manitoba Municipalities and the Manitoba Association of Urban Municipalities and are also supported by the municipal employees through their representation on the municipal Employee Benefits Board.

Madam Speaker, I think this is a very positive move. It puts the power of the administration of this fund in the hands of employers and employees. In both cases they agree with the amendments that are being proposed here today, and I recommend this bill to this House. Thank you very much.

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

**Motion agreed to.**

#### **Bill 47—The Adoption and Consequential Amendments Act**

**Hon. Bonnie Mitchelson (Minister of Family Services):** I move, seconded by the Minister of Justice (Mr. Toews), that Bill 47, The Adoption and Consequential Amendments Act (Loi sur l'adoption et modifications corrélatives), be now read a second time and referred to a committee of this House.

**Motion presented.**

**Mrs. Mitchelson:** I am extremely pleased to rise in the House today and introduce The Adoption and

Consequential Amendments Act, Bill 47, which does establish a piece of legislation solely for the matter of adoption.

This proposed legislation is part of our government's response to the review of The Child and Family Services Act and the recommendations put forward in the Zuefle report. We are introducing separate legislation to clearly distinguish between the matter of adoptions and the matter of child abuse and protection.

The Child and Family Services Act is, first and foremost, child protection legislation. Adoptions are important for many children in our communities, not just those who become permanent wards of the province. In addition, we believe that separate legislation will permit easier application and administration by the department, by the lawyers and by the courts and the agencies.

Adoption laws and practices have changed steadily in all parts of the country over the years. Adoption itself has changed from being surrounded by secrecy to more openness. There has been a steady decrease in the number of infant adoptions as more young single women are choosing to parent their own children. At the same time, there has been an increase in the number of children coming into the permanent care of Child and Family Services agencies.

Manitoba's adoption laws need updating to provide more opportunities for children to belong to permanent families. In addition, participants in the recent consultations told us that the current system needed to be made more user friendly. This bill seeks to improve and to streamline the adoption process, make it easier for parents to adopt a child and enhance the ability of birth parents to contact their adopted children.

\* (1450)

I would like to comment on some of the key areas addressed by this bill. Proposed legislation will reduce the waiting period for signing of a surrender of guardianship or adoption consent to 48 hours after the birth of a child. Participants in the consultation process have said that the current waiting period of 10 or more days before placement is too long for an infant child to be left in a neutral position and not placed with the

adoptive family. The new provisions will ensure quicker placement of children with the adoptive parents and prevent the need for interim caregivers such as foster parents for the children. This change has been requested by both birth and adoptive parents, and we believe that it is in the best interests of the children to reduce this waiting period.

Under the proposed legislation, the time period for withdrawal of a surrender of guardianship or consent to adoption will be reduced to a period of 21 days following the giving of consent. Birth parents will be able to withdraw a voluntary surrender of guardianship or consent to adoption within 21 days after signing, and the children will be returned to them even if the children have been placed for adoption. Presently, voluntary surrender of guardianship cannot be withdrawn after the child has been placed for adoption. Consents to adoption can be withdrawn until the order of adoption is granted, but the present legislation is silent on what is to happen to the child if a consent is withdrawn.

The automatic return of the child to the parent withdrawing a voluntary surrender of guardianship or consent within the 21 days is the result of the decrease in the time after birth in which these documents can be signed. Birth parents must be given time to be sure they have made the right decision after the child is born, but it is in the best interests of the child to ensure that placements are not delayed.

The time period for private adoptive parents to apply for an order of adoption will be reduced from no earlier than six months and no later than 12 months, to no earlier than 30 days and no later than six months from the date of consent to adoption by the birth parents. The time period required for a de facto adoption has been reduced from three to two years to ensure more timely decisions for permanency for children and families in these situations.

Birth fathers will be notified of an adoption plan for their children. The court has required this notice by practice for about 10 years. This notice is intended to prevent the overturn of an adoption because the child's birth father was not notified at the time of placement, as has happened in the U.S.A. in recent years. This will provide better protection against future court action for

the adoptive parents and for the child, and it is consistent with the Charter of Rights and Freedoms.

After an adoption placement, an adoptive parent will be able to enter into agreements to maintain contact or to share information with birth parents, other individuals with a relationship with the adoptee, a member of an Indian band if the adoptee is a member of the band, and adoptive parents of siblings of the adoptee. These openness agreements may include the sharing of identifying information or be limited to contact without an exchange of names and addresses. The openness agreements will not affect the status of the child as a member of the adoptive family after an order of adoption has been granted by a court. Similar agreements have been signed for a number of years, but including this provision in legislation will give more enforcement capacity to this practice.

Another key area addressed in this legislation is the treatment of adoption records. This legislation will provide for future records to be open unless a veto on accessing identifying information or contact is filed by the birth and adoptive parent or adult adoptee or an adult biological sibling of the adoptee. We believe, however, that there is a promise of confidentiality in the current system and that the confidentiality of those who previously placed their children for adoption should be respected. Thus the confidentiality provisions of existing legislation regarding adoption records will be maintained.

The post-adoption registry, which was established in 1981, provides services allowing nonidentifying information to be provided to adult adoptees, adoptive parents, birth parents or adult biological siblings of an adoptee on request. In 1986 the register became semiactive, permitting searches on behalf of adult adoptees for their birth parents or for their biological siblings. If the person being sought out also registered, the system would help them to make contact with each other.

Under the proposed legislation the post-adoption registry will become fully active, allowing for searches on behalf of all eligible registrants, that is, the adult adoptee, birth parents, adoptive parents and adult biological siblings of an adoptee. Persons eligible to register with the post-adoption registry may file

disclosure or contact vetoes to prevent either the release of identifying information about or contact with that person.

Provision has been made to facilitate services for situations seriously affecting the life or health of an individual affected by an adoption, such as the need for an organ transplant or to help the individual obtain a benefit, such as registration with an Indian band. In Manitoba, there are agency adoptions which involve the adoption of permanent wards and nonagency adoptions. In the second category assessments are required to be completed by a Child and Family Services agency before the matter can proceed to court.

Consultation processes revealed that there is a need for private practitioners to undertake the required assessments in order to shorten the processing period. This bill allows for private practitioners to conduct assessments required for adoption, providing that they work under contract to an existing agency or a not-for-profit adoption agency.

Licensed, not-for-profit adoption agencies will expand the number of service providers and allow adoptive applicants a choice of service providers for adoptions which will not involve permanent wards of Child and Family Services agencies. Child and Family Services agencies will continue to provide adoption services on behalf of their permanent wards and all other adoption services upon the request of an adoptive applicant.

This bill reflects the comments, suggestions and recommendations received from people across the province regarding the adoption process. We have listened to what Manitobans have said, and I am confident that this bill will meet the needs of birth parents, adoptive parents, and the children for whom adoption is planned. I believe this bill strikes a reasonable balance between the interests of children and the rights of families, and I urge all members of this Legislature to give it their full support. Thank you.

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

**Motion agreed to.**

### **Bill 52—The Statute Law Amendment Act, 1997**

**Hon. Vic Toews (Minister of Justice and Attorney General):** I move, seconded by the Minister of Rural Development (Mr. Derkach), that Bill 52, The Statute Law Amendment Act, 1997 (Loi de 1997 modifiant diverses dispositions législatives), be now read a second time and be referred to a committee of this House.

### **Motion presented.**

**Mr. Toews:** Madam Speaker, Bill 52, The Statute Law Amendment Act, 1997, is before us primarily for the purpose of correcting minor errors in the statutes. Honourable members will note that the bill corrects typographical, numbering and other editing errors in the English and French versions of act.

There are, however, some substantive matters included in the bill, which I would like to mention. Bill 52 includes provisions to remove from The Animal Diseases Act's references to animals suffering from conditions of deprivation or ill treatment. These provisions are no longer required as they have been replaced by provisions in The Animal Care Act enacted during the last session of this Legislature.

As well, The Highways and Transportation Department Act is being amended to remove an unnecessary regulatory requirement in relation to the abandonment of provincial highways and roads in the government's continuing effort to streamline the regulatory process.

The Law Fees Act is being amended to repeal a provision that was rendered obsolete by the establishment of the Legal Aid Services system in Manitoba. A technical amendment to The Special Operating Agencies Financing Authority Act is being made in order to eliminate a redundant step in the processing of Orders-in-Council in relation to the designation of special operating agencies.

\* (1500)

Finally, The Treasury Branches Act is being repealed. This act was originally enacted in 1974 and has not been proclaimed. There is no longer any need for this

act, and it is being repealed as a result of review of unproclaimed legislation.

I believe that concludes my remarks on Bill 52. I would be pleased to discuss the bill further at committee stage. Thank you, Madam Speaker.

**Mr. Gord Mackintosh (St. Johns):** I move, seconded by the member for Crescentwood (Mr. Sale), that debate be adjourned.

**Motion agreed to.**

#### **Bill 53—The Local Authorities Election Amendment and Consequential Amendments Act**

**Hon. Leonard Derkach (Minister of Rural Development):** Madam Speaker, I move, seconded by the Minister of Highways (Mr. Findlay), that Bill 53, The Local Authorities Election Amendment and Consequential Amendments Act; Loi modifiant la Loi sur l'élection des autorités locales et modifications corrélatives, be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Derkach:** This amendment is being introduced to allow urban municipalities the option of using the register of electors maintained by Elections Canada as an alternative to conducting a house-to-house canvass for the purpose of preparing an electors' list. It is important to note that use of the register of electors would be optional, not mandatory. Some of the smaller towns and villages may find it most convenient to continue to conduct a house-to-house canvass, whereas larger centres, most notably Winnipeg and Brandon, will no doubt wish to take advantage of this option.

When the last general municipal election was conducted in the fall of 1995, municipalities were able to avoid the cost of a house-to-house canvass by utilizing voters' lists prepared by Elections Manitoba for the provincial election which had taken place that year. The next general municipal election is to be held in the fall of 1998, and by passing this bill, we will again give municipalities the opportunity to save the cost of a door-to-door canvass.

Along with the amendments to The Local Authorities Elections Act, which will permit the use of the register of electors, there are consequential amendments to The City of Winnipeg Act and to The Municipal Act which will address protection of privacy concerns regarding the use of the register. These amendments will repeal the requirement that a copy of the electors' roll be held open for public inspection. That is consistent with the protection of privacy concerns expressed at all levels of government.

In summary, it is expected that this bill will be welcomed by local government officials throughout Manitoba. The change has been specifically requested by the City of Winnipeg, but it is optional so that municipalities will still have the choice of conducting a house-to-house canvass, if they so wish. Madam Speaker, I think again this is a positive move in allowing our municipalities to utilize the resources and the information that is available to the best use possible, and I recommend it to the House. Thank you.

**Mr. Gord Mackintosh (St. Johns):** I move, seconded by the member for Flin Flon (Mr. Jennissen), that debate be adjourned.

**Motion agreed to.**

#### **Bill 56—The Family Maintenance Amendment Act**

**Hon. Vic Toews (Minister of Justice and Attorney General):** I move, seconded by the Minister of Natural Resources (Mr. Cummings), that Bill 56, The Family Maintenance Amendment Act (Loi modifiant la Loi sur l'obligation alimentaire), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Toews:** Madam Speaker, Bill 56, The Family Maintenance Amendment Act, will establish the framework necessary for a child support guideline scheme, the specifics of which will be contained in a new regulation to the act and similar to the federal child support guidelines which apply in divorce cases. In order to understand the purpose of this bill, it is necessary to understand the newly enacted federal child support guideline scheme and why it is important that

child support cases falling under provincial jurisdiction not be treated differently from those under federal divorce jurisdiction.

The Divorce Act amendment, setting forth a framework for a child support guideline system, came into force May 1, 1997, together with a regulation containing the specifics of the guidelines. The regulation and the amendments to the act must be read together in order to understand the overall federal child support guideline system. Individual support tables for each province and territory are contained in a schedule to the regulation. The child support amounts prescribed in the table are based on the income of the payor, the province of the payor's residence and the number of children. Amounts do differ slightly from province to province because of the different tax implications for the payor's income level, depending on the jurisdiction of his or her residence. The table amounts take the new tax treatment of child support into account; that is, payments are tax-free to the recipient and may not be deducted by the payor.

Child support payments and orders pronounced and agreements made after April 30, 1997, are now essentially made out of the payor's net income, rather than gross income, as was the case previously. The guidelines also enable the courts to award additional payment amounts for special or extraordinary expenses such as daycare. In addition, judges are allowed discretion to depart from the child support amounts in a number of situations, including undue hardship, adult children and parents' consent as to the level of child support in orders. Table amounts are based on the payor's ability to pay and are intended to be floor, not ceiling, amounts; hence, the court's ability to order additional payments when the party's financial circumstances make it reasonable to do so. When additional payments or other grounds for departure from the guidelines are considered, the court will look at the financial circumstances of both parents.

The provinces of Ontario, Saskatchewan, New Brunswick and Prince Edward Island have all introduced or passed legislation which would make the federal child support guidelines applicable to cases falling under provincial jurisdiction. A uniform system of determining child support, regardless of whether

cases are under federal or provincial jurisdiction, is important because it would be extremely confusing to the public to have two different ways of determining child support, depending on whether provincial or federal legislation applies. For example, with the dual system, separating spouses would have different regimes applying to their child support at two different stages, that is, separation and divorce.

All Manitobans would not be treated equally if there were a dual system. Without provincial legislation, unmarried parents would be unable to take advantage of child support guidelines since the only persons who are entitled to child support orders under the Divorce Act are spouses who are or have been legally married. Without provincial legislation, married spouses who have separated but are still hopeful of reconciliation and do not wish to proceed with divorce would be unable to take advantage of child support guidelines.

The federal guidelines are intended to result in fairer, more consistent child support awards. At present, the amount of a child support order under both federal and provincial legislation is almost entirely at the discretion of the court. This has resulted in inconsistent and unpredictable awards. The federal guidelines legislation is based on years of work by the federal-provincial-territorial family law committee. The committee researched, studied and debated how best to deal with the problem of inconsistent and inadequate child support. The legislation is also the product of extensive consultation with the public and interest groups over the last few years. The experts agree that there is no one perfect model. The federal government is committed to evaluating the guidelines and operation so that changes can be made in the future if the scheme or particular aspects of it prove unworkable.

Thank you, Madam Speaker.

**Mr. Tim Sale (Crescentwood):** Madam Speaker, I move, seconded by the member for Burrows (Mr. Martindale), that debate now be adjourned.

**Motion agreed to.**

\* (1510)

**Bill 57—The Highway Traffic Amendment,  
Summary Convictions Amendment and  
Consequential Amendments Act**

**Hon. Glen Findlay (Minister of Highways and Transportation):** Madam Speaker, I move, seconded by the Minister of Urban Affairs (Mr. Reimer), that Bill 57, The Highway Traffic Amendment, Summary Convictions Amendment and Consequential Amendments Act (Loi modifiant le Code de la route et la Loi sur les poursuites sommaires et modifications corrélatives), be now read a second time and referred to a committee of this House.

**Motion presented.**

**Mr. Findlay:** I am pleased to introduce this Bill 57 today for second reading. The purpose of this bill is to provide authority for the province's law enforcement agencies to use image-capturing enforcement systems, a form of automated photo enforcement technology, as an aid to traffic enforcement.

The legislation is being introduced at the request of the Winnipeg Police Service. Traffic safety was a primary concern identified by Winnipeggers at a series of public forums held this past winter by Winnipeg Police Chief David Cassels. Law enforcement resources are straining under the pressure of increasing demands from the public for enhanced enforcement. Consequently, law enforcement has to be done in a more efficient and at times a more unique manner.

This is where photo enforcement systems come in. This technology allows the police to be in many places at one time. The legislation will permit its use in the following situations.

First is intersection enforcement. Running red lights, as I am sure every member in this House will know, is a common violation with very serious consequences, particularly in Brandon and Winnipeg. Conventional enforcement poses specific difficulties for police officers who must first observe the infraction of somebody running the red light; then they must chase the individual, stop and ticket the violator. In many cases, police must follow the violating vehicle through a red light to stop it, and this can certainly endanger

motorists and pedestrians, as well as the police officers themselves, especially when traffic is reasonably heavy.

Police cannot efficiently enforce against this type of violation due to the limited resources and the potentially serious safety consequences. Winnipeg police statistics indicate that the total cost of right-angle collisions at intersections in one year is approximately \$90 million. Traffic statistics that the Department of Highways collects identified in 1995 that in a list of about 20 different types of accidents that happened throughout Manitoba, 18 deaths occurred because of right-angle accidents at intersections, and also 18 deaths happened from head-on collisions, and those are the two categories of highest accidents resulting in deaths of motorists.

The second use of the technology is rail crossing enforcement. Photo enforcement cameras will also be allowed to be used to monitor selected controlled railway crossings.

Red-light cameras have been in use in many countries since the 1970s, where they have been shown to reduce red light violations and collisions at intersections. Manitoba will be the first jurisdiction in Canada to introduce photo enforcement technology for intersection and rail crossing enforcement.

The province's main law enforcement agencies will be conducting an analysis of various sites to determine where the intersections and railway crossings with the highest incidence of collisions or violations are and where they will use the lights.

Offences detected through the photo enforcement system will be charged against the vehicle owner. As the owner is being held responsible for the offence, even though he or she may not have been the driver, demerit points will not be assessed. However, to ensure there is still a significant deterrent to people who might consider reoffending, a higher fine of \$100 plus \$32 in costs will be assessed for each infraction. A charge laid through conventional enforcement methods, in other words, where the police officer stops the person and issues a ticket directly, will continue to carry two demerits plus a fine of \$40 plus court costs of \$13.

This bill also introduces a number of innovations to the court process which will streamline the movement of photo enforcement offences through the system. These changes will also reduce the cost of enforcement by allowing police officers to spend more time on the street where they are needed rather than in the courtroom.

For the sake of brevity, I will not go into any further detail in the photo enforcement system or the changes in the court process at this time. A much more in-depth explanation of the legislation is provided in spreadsheets which I will offer to my critics when I complete this.

I look forward to the critics passing this, and we deal with it in committee and it becomes law in the province of Manitoba.

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

**Motion agreed to.**

#### **Bill 58—The Law Reform Commission Amendment Act**

**Hon. Vic Toews (Minister of Justice and Attorney General):** I move, seconded by the Minister or Urban Affairs (Mr. Reimer), that Bill 58, The Law Reform Commission Amendment Act (Loi modifiant la Loi sur la Commission de réforme du droit), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Toews:** Madam Speaker, as I indicated in a response to a question during the Justice department Estimates, the government was looking for a way to preserve the process of law reform in the province. We have had discussions with various individuals and groups. I indicated at that time that none of those discussions would see a return to the level of funding that the Law Reform Commission had received from the government in the past in view of this government's commitment of funds to public safety initiatives.

The purpose of this bill is to preserve the commission and allow it time to investigate other sources of funding

and ways of operating to deliver its services at a reduced cost. Future funding for the commission from the government will be by way of grants, and commission staff will not be civil servants. We have had some indication that the commission will consider operating using independent consultants on a project basis; however, that is for the commission to decide. I am pleased that we have been able to preserve the commission, offer it the opportunity to look for other sources of funding and other ways to carry on its mandate.

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

**Motion agreed to.**

#### **Bill 59—The Conservation Agreements Act**

**Hon. Glen Cummings (Minister of Natural Resources):** I move, seconded by the Minister of Justice (Mr. Toews), that Bill 59, The Conservation Agreements Act (Loi sur les accords de conservation), be now read a second time and referred to a committee of this House.

**Motion presented.**

**Mr. Cummings:** The purpose of the conservation easements legislation is to establish a legal mechanism that allows for conservation agreements between a private landowner and a specified conservation organization. Conservation easements would run with the title of land to ensure long-term protection of natural areas. Conservation easements have been used in private land across the United States for the past 65 years as a means of protecting important natural areas, including wildlife habitat. Specific legislation amendments have been made in many Canadian jurisdictions to permit their use as well. Saskatchewan and Alberta recently passed legislation to permit these agreements. Prince Edward Island, Nova Scotia, Ontario, British Columbia and the Yukon have also enacted specific legislation for this purpose.

Conservation easements provide an efficient and cost-effective means of protecting valuable natural lands. It is an alternative to purchasing or leasing the

land. The development of the legislation demonstrates that we are committed to sustainable development. Conservation easement provides an opportunity for an individual to be compensated for retaining parts of their land in a natural state for a specified length of time without removing the remainder of the land for other productive uses which would normally and primarily be agricultural.

\* (1520)

To assist in the implementation of the legislation, a working group was established which included a number of key stakeholders, the Union of Manitoba Municipalities, Keystone Agricultural Producers, Ducks Unlimited, Delta Waterfowl foundation, the Cattle Producers Association of Manitoba, Manitoba Habitat Heritage Corporation and representatives of the Department of Natural Resources. This has followed an extensive period of consultation regarding the easement legislation which has evolved over the last couple of years, and I believe the legislation that you have before you today meets the needs of all the stakeholders that were consulted.

In the process of reviewing the legislation, I would invite my critics and the members of the opposition to review the appeal and the mechanisms that are in place in order to allow for the establishment of protective capacity for chunks of land that people wish to either donate or sell easements against for long periods of time including and up to anything that could be referred to as perpetuity, that allows for a fair process to review those leases over particular periods of time. Thank you.

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

**Motion agreed to.**

## DEBATE ON SECOND READINGS

### Bill 9—The Public Utilities Board Amendment Act

**Madam Speaker:** To continue debate on second readings, on the proposed motion of the honourable

Minister of Consumer and Corporate Affairs (Mr. Radcliffe), Bill 9 (The Public Utilities Board Amendment Act; Loi modifiant la Loi sur la Régie des services publics), standing in the name of the honourable member for Inkster (Mr. Lamoureux), who has 28 minutes remaining. Is there leave to permit the bill to remain standing? [agreed]

Also standing in the name of the honourable member for Kildonan (Mr. Chomiak). Is there leave to permit the bill to remain standing? [agreed]

As agreed, this bill will remain standing in the name of the honourable member for Inkster (Mr. Lamoureux) and the honourable member for Kildonan (Chomiak).

### Bill 2—The Arbitration and Consequential Amendments Act

**Madam Speaker:** To resume second reading debate on Bill 2 (The Arbitration and Consequential Amendments Act; Loi sur l'arbitrage et modifications corrélatives), on the proposed motion of the honourable Minister of Justice (Mr. Toews), standing in the name of the honourable member for Transcona (Mr. Reid).

Is there leave to permit the bill to remain standing? No? No, leave has been denied.

**Mr. Gord Mackintosh (St. Johns):** Madam Speaker, some brief comments on Bill 2. It is interesting that, when the minister introduced this bill, he failed to compliment the organization which is responsible for this legislation and for so many improvements in our law in Manitoba, and that is the Law Reform Commission. I think that is very sad, and I think, of course, it is part of this government's agenda to diminish, if not entirely abolish, progressive law reform in this province through a law reform commission that is publicly funded and independent.

Of course, it was the Law Reform Commission of Manitoba that in 1994 recognized that we had to get up to date on how we conduct arbitrations in this province. Of course, The Arbitration Act which is currently on the books dates back to 1889 and legislation from the United Kingdom. It is certainly outdated and people have commented that it actually discourages arbitration which is so important as an alternative dispute

resolution. Indeed, one person commented to me that the current legislation is hopelessly antiquated.

As a result of changes at the international level and particularly through the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, a new regime for arbitration processes came into force, and eventually that spilled over into the area of domestic arbitrations. The Alberta Law Reform Commission did major work to adapt the international model to domestic use. Then in 1990, the Uniform Law Conference of Canada used that work to produce a uniform arbitration act. As I understand it, Alberta, Ontario, Saskatchewan and New Brunswick now have new arbitration acts based on the model.

I think there are really two shortcomings in the current statute that are addressed by this legislation. One is a more comprehensive procedural process being set out there, and the second is a move to greater restriction on the party's access to the court's power of intervention.

The Law Reform Commission points out that, since this type of model is already available in Manitoba for international commercial arbitration, it is obviously fair to have a similar model available for domestic arbitration.

We on this side acknowledge the value of arbitration as a way to resolve disputes. Arbitration usually costs less to the disputing parties. At least, we recognize that it can cut down on some costly legal costs and pretrial procedures. It certainly costs less to the taxpaying public, because the expensive judicial system is not called on to resolve the disputes. Arbitration is often, although not always—but usually faster than litigation. It is also informal, accessible and flexible, which meet the needs of the parties to a greater extent than formal litigation. Of course, arbitration also allows privacy. It is confidential, as long as one of the parties does not pursue an appeal.

The Manitoba Civil Justice Review Task Force report from September of 1996 also noted, of course, that there are some disadvantages to arbitration and noted that arbitrators can make decisions on questions of fact in law but may lack the legal expertise of some judges,

and in the absence of a specified time frame arbitrations may continue over a long period of time.

It is clear that arbitration does have a very important role in our society and, indeed, it is my firm belief that we should rely more on alternative dispute resolution. We should be looking for not only a greater reliance on arbitration but other ways of resolving disputes outside of the courts.

I think one of the greatest arguments to support my belief is that when there are limited resources to deal with conflicts between individuals and limited resources to deal with Criminal Code infractions, we have to think why are we putting so many resources into the resolution of disputes between, for example, two large corporations that may have extensive resources and, yet, are going head to head in a battle over many years. I can think of several cases recently in Manitoba history over a contractual provision. We really, I think, have to think in larger terms about how we are using public resources to solve disputes between certain kinds of parties and, in that regard, I wonder if we should not be looking toward a more affirmative statement or a more effective way of getting parties to use arbitration as an alternative to civil litigation, including requiring arbitration clauses in certain commercial contracts.

We have some questions that we will be pursuing before third reading. We wonder why, contrary to the recommendations from the Law Reform Commission, the act can be excluded by agreement of the parties. We want to know why the government has made changes to the Law Reform recommendations regarding appeal rights and the appointment of experts in the taxation of costs.

With those comments, we are prepared to see this legislation proceed.

**Madam Speaker:** Is the House ready for the question?

**Some Honourable Members:** Question.

**Madam Speaker:** The question before the House is second reading of Bill 2, The Arbitration and Consequential Amendments Act. Is it the will of the House to adopt the motion?

**An Honourable Member:** Agreed.

**Madam Speaker:** Agreed and so ordered.

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

**Madam Speaker:** To resume second reading debate on the proposed motion of the honourable Minister of Government Services (Mr. Pitura), Bill 28 (The Emergency Measures Amendment and Consequential Amendments Act; Loi modifiant la Loi sur les mesures d'urgence et modifications corrélatives), standing in the name of the honourable member for Crescentwood (Mr. Sale).

Is there leave to permit the bill to remain standing? No? No. Leave has been denied.

\* (1530)

**Mr. Jim Maloway (Elmwood):** Madam Speaker, I am pleased to rise today and put a few comments on the record regarding Bill 28. At the end of my remarks, I think it would be appropriate for us to send the bill to the committee stage to hear from any presenters that might want to make comments at that stage.

The stated purpose of this legislation is to amalgamate the functions of the Emergency Measures Organization and the Disaster Assistance Board and to set up an appeals board and to increase penalties for offences under the act. What this bill evidently does is dissolves the Disaster Assistance Board and makes the newly named Emergency Management Organization responsible for the handling of emergencies and for the assessment and distribution of disaster assistance. It puts into place the disaster assistance appeal board, and I will have some comments to make on that in a few minutes. The board sets a fee payable by the appellant, and its decisions are not subject to review or appeal to any court. It also increases the penalties for offences under the act to a maximum of \$10,000.

Now, Madam Speaker, it is interesting to note that the Treasury Board of the province approved this amalgamation back in February of 1996. That was well over a year ago, and the government has taken over a year to introduce legislation to this House confirming

what it approved and what it did months and months ago. That is a clear case of the government putting the cart before the horse.

(Mr. Ben Sveinson, Acting Speaker, in the Chair)

This is an indication to us that this government has been in power for too long, because at the nine-year mark it has given up the proper practice of introducing legislation to this House, getting approval of this House and then proceeding with the changes that it wants to do that result from the legislation. In this case, it simply made all the changes that it had to do and now, a year later, is coming forward with legislation. That, Mr. Acting Speaker, is absolutely the wrong way to proceed. How do we know that in the future we will not see the government making arbitrary changes such as this and, in fact, if they get away with one year of delay, why not make it two years or three years? At some point the accountability of the government comes into question on this matter, so that was a concern of our caucus.

Mr. Acting Speaker, the minister has explained that the government is trying to save some money by making these changes, and the minister is promising staff reductions of, I believe, 1.26 positions. I believe that is one full-time and one part-time person are affected in this reduction.

We are also concerned that the amalgamation may in some way be linked to the loss of discretion on depreciation that existed with the old board. I know the minister claims that the method of settlement is not any different now than it was before and that in fact there was no provision for replacement cost on chattels in the past, but my information is that in a lot of cases people got either replacement cost or something that was tantamount to replacement cost in the basement flooding of 1993. There is a concern that this new regime that he is now in charge of, in fact, may change its method of adjusting and may become tougher and more stringent on the claimants. We would not want to see that happen; we would not want to see the system so tight that the adjusters did not have a certain amount of leeway and a discretion to be able to effect, in effect, something that was close to a replacement cost settlement, a settlement that would put people roughly

in the same position they were before the flood or before the natural disaster occurred.

Time will tell, and I think what we will find is the number of people who make appeals and are unhappy with their settlements will tell us how this new system that the minister has set up is in fact working. So I think it is in his interests and the government's interests to make certain that this system does work well.

Now, the whole issue of the appeal board or the appeal commission is something that is of major interest to us. What we are suggesting, and we plan to be making an amendment to the bill, would be to institute a system similar to what is available at Workers Compensation and similar to the suggestion made by the member for Thompson (Mr. Ashton) in attempting to amend Bill 23 on MPIC yesterday and that is to set up an advocate, an appeals advocate, to help people with their cases before the appeal board. This is something that I think may be useful in making certain that people who have appeals are not at a disadvantage in going through the process. At least the people with the appeals would have an advocate on their side in this situation. So I think that is a worthwhile suggestion for the minister to look at and see if that is a possibility that we might incorporate that amendment into the appeal procedure.

We have suggested in the past that the government do something about the question of deductibles, unlike 1993 when the minister at the time was dealing with sewer backup cases that amounted to, in number, I believe, about 10,000 claims, but the claimants were dealing with an average of \$2,000 claims. I believe the total bill for that disaster was around \$25 million. We have nowhere near that situation in this case. We have a situation, while the number of claimants is lower, we are dealing with only a quarter of the number of claimants, in around the 2,500 range and that is just for property damage. There will be a lot more for the evacuees, but at least on the property side of things the sheer number of claims is down, but the size of the claims and the complexity of the claims are much enhanced over 1993.

So I think, and submit to the minister, that he is in uncharted territory in some respects in this. We have never had a loss this big, and I do not believe that this

government is at the point that they have actually quantified the loss. I do not think the minister, in fact, knows how big the loss is. I mean, is it going to be \$200 million? Is it going to be \$300 million? Is it going to be \$400 million? Mr. Acting Speaker, we do not know what the size of this loss is going to be, and so for the minister's sake, and this government's sake, this system had better work right, this system had better work smoothly, and this system had better deal with the people fairly and solve the problem in a smooth and a fair and a proper and a timely manner, or it is this government that is going—as I said in Estimates to the minister, this minister is going to have potentially 2,500 people chasing him if this system does not work.

So I will have to have some faith that in fact they will be attentive to the needs of the claimants in this situation, that they will do their utmost to get their people in the field to determine the size of a loss, to assess the loss as quickly as possible, and to approve the repairs and to get the repairs done in a timely manner so that they do not inconvenience people anymore than they already have. That, Mr. Acting Speaker, brings me to another point, and that is the whole area of the reconstruction and the use of renovation contractors and so on over the next few months. The government insists upon not doing anything to regulate the contracting or the renovation contractor industry in this province, and I think perhaps to the detriment of the people and also, I guess, at the end of the day, to the detriment of the government because they will be the people that will have to carry the can for all of the renovation scams that occur, and they do.

\* (1540)

Every time there is a major disaster, hailstorms, floods, whatever, there are renovation contractors coming in from out of province, and some right here in our own province, who take on much too much work and work that they are not capable of handling in an efficient and proper way. In fact, people get stuck with shoddy construction, shoddy work and a lot of inconvenience. That does not make for a happy, healthy environment, and I think that this is the environment that we are dealing with. The minister knows that this construction work cannot be done over a protracted period of time. We do not have the luxury

of rebuilding over the course of two or three years. People are going to want the construction done all at the same time. That is an expectation that they will have, and that is understandable. Given that situation, then, all of the pressures and confusion that occur at the time will allow certain contractors to get involved and lead to many, many more problems. So there is a lot of potential for troubles to develop in this whole area.

We, certainly on this side of the House, wish the minister luck in trying to sort all of this out, but we want to give him as much advice in advance, if that is possible, so that he would avoid some of the problems. Now, one of the major problems that we have been facing in this case has been the whole question of deductibles. The people did not ask to be flooded. The floods occurred. This was 100-year or 500-year or whatever-year flood, and it is not expected that we are going to see a situation repeat itself like this for some time.

(Madam Speaker in the Chair)

But to try to exact a deductible from the affected people is just to me adding insult to injury in this situation. Madam Speaker, deductibles, historically, at least in the insurance industry, have been used for the purposes of discouraging small claims. The fact is that the insurance program is there to pay out on major-type losses, and it is not really designed to be a maintenance policy. It is not really designed to be there for small claims because the cost of adjustment for a \$500 claim is the same as a \$5,000 claim. So they do not like little claims. They are there to solve the big claims. When your house burns down, it is a big loss. They get a nice story in the paper about how efficient they were and how quick they were at rebuilding the loss. Everybody is reasonably happy about this, but what they do not like are these little claims. That is why you have a deductible there in the first place, to discourage small claims.

Typically what happens is that either under certain conditions the deductible does not apply at all or it is a disappearing deductible. For example, the deductible will disappear completely once the loss reaches \$5,000. If it is over \$5,000, no deductible, or it will disappear. It will be 10 percent up to \$5,000 and, after that, there

will be no deductible. The point is that the loss is sufficiently large, that no deductible will apply.

The government does a fine dance on this one. I mean, they danced all over the place. The minister, the Premier (Mr. Filmon) himself has blamed the victims and suggested they should not build their houses in a flood plain. Now that is one of the silliest statements that I have ever heard, and I know the Premier is not prone to make silly statements, but certainly in that case, he certainly managed to outdo anything he has done in the past. Madam Speaker, if the water is high enough, the entire province would become a flood plain. I mean it is a function of how deep the water is as to how big your flood plain is.

So, in normal circumstances, when you have just normal river levels, the people can live right practically on the river and they are okay; but, as the water levels increase, more and more area is flooded. So, when the water gets to the levels that we just experienced and beyond, then the plain just gets wider and wider. Now what are we going to do, say that you cannot live anywhere in the Red River Valley? That is essentially what he was saying. So I guess he saw that argument did not sell too well. I mean, someone may have explained it to him, and they never heard him use that argument again. That argument went out the window.

But the whole question of the deductible--oh, pardon me. The second argument that they had used across the way, and they use it all the time, is that, well, this is a gratuitous settlement; this is not an insurance program; premiums were not paid. You know, I listen to those arguments, and I do not believe them for a moment.

Madam Speaker, the taxpayers of this province pay their taxes into the general revenues, into the funds of the province, and they pay their taxes for medical eventualities. If they have a heart attack, they expect to be dealt with by the medical system in a fair, efficient way, without a deductible. Right? They expect the service and they expect it to be given to them, and that is funded out of our tax system. Well, people did not, could not protect themselves against the flood. They could not buy insurance against the flood. They are paying taxes, and when this flood occurred, then it is logical to me that there is no argument to be made for a premium to be paid here. They have paid their taxes,

and, through no fault of their own, they are flooded. Therefore, they should be reimbursed and put back to where they were before the loss without another penalty, without a deductible. So that is a major bone of contention here, and we do not want to see the government adding insult to injury in this case.

Now you know the minister in Estimates explained his deductible. Normally, the deductibles apply to the beginnings of the claim from first dollar. The minister has a deductible that applies at the end of the claim. So it is even more nonsensical than it would initially sound. Given a certain amount of time, I think that the government may, in fact, look at doing something about alleviating the problem with the deductible to the claimants, and perhaps that will help solve the problem.

What we have here, the major issues that are confronting the claimants at this time, other than the fact that many of them have not seen an adjuster yet—they have to see an adjuster; someone has to get in there and adjust the claim for them. Then they have to deal with the whole question of replacing their building, but then suffering a fairly large depreciation loss on their chattels. That, Madam Speaker, is not a very happy situation for people to be in. Then, on top of that, you are telling people that they are going to be stuck with this deductible, which is another impediment to a happy client. Now, once they deal with those issues and they are not happy, what do they do? They go to the minister's new appeal board that he is setting up. So they are going to appeal to the board.

\* (1550)

If the appeal board operates the way the MPIC appeal board does on the no-fault claims, at least if we can believe what we are being told by people who have gone through the process, what they are telling us is that the appeal process, the appeal commission is not a user-friendly body, that it is one-sided, that that particular appeal commission has the corporation using its legal counsel, using lawyers, and the appellant is out there with no lawyers, no advisor, no advocate. As a result, we introduced, the member for Thompson (Mr. Ashton) introduced, yesterday at the committee level an amendment to the legislation to provide for claimant advocates. This government refused to accept the amendment because this government's attitude is that

things are fine the way they are, that we do not want to hand out any more money than we have to, that we were happy that we made our \$43 million last year and got the corporation back to a break-even position, and we are on track to build up the reserves to the \$50 million that we are required to have just in time so that the first week of June next year they can go to the PUB, their politically appointed PUB, and ask for a reduction which will kick in March 1, 1999.

Now guess what is going to be going on March 1 of 1999. We are going to be right in the middle of the runup to the election, and you are going to be looking—and mark my words—the reduction plans are already in place. So they have made a trade-off here. They have made a trade-off. They have decided that the accident victims will, in a way, subsidize their re-election plans. That is what we are doing.

Madam Speaker, we do not want to see this happen with the flood victims. We do not want the flood victims of this province subsidizing the Tory re-election effort. We have seen enough of that over the last few years in other areas, and because of that we feel we cannot take the minister at his word that all is going to be well, just trust me. Just trust me, he says. Just leave it all to me, and I will take care of it. I will make sure that everything works out. Well, things do not work out. When we trust this government, when we give this government any kind of leeway, things mess up, and that is not a happy situation for people who are affected. We do not want the flood victims of this province subsidizing in any way, shape or form the Conservative re-election two years down the road.

So we want justice for these flood victims, and we want a method in place here so that if people do have to go through the appeal process, if they must go to the appeal process to get what they are entitled to, if that were to happen, we want to see that process to be as user friendly and easy to deal with as possible.

Now, Madam Speaker, I could go on at length and for hours on this whole issue, but I know we have a busy agenda before us today. We have many more bills that we have to deal with. With that, I would like to end my comments and suggest that we send this bill on to committee for further examination. Thank you.

**Madam Speaker:** Is the House ready for the question? The question before the House is second reading, Bill 28, The Emergency Measures Amendment and Consequential Amendments Act.

Is it the will of the House to adopt the motion?

**Some Honourable Members:** Agreed.

**Madam Speaker:** Agreed? Agreed and so ordered.

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

**Madam Speaker:** To resume second reading debate, on the proposed motion of the honourable Minister of Justice (Mr. Toews), Bill 20 (The Summary Convictions Amendment Act; Loi modifiant la Loi sur les poursuites sommaires), standing in the name of the honourable member for Burrows (Mr. Martindale).

Is there leave to permit the bill to remain standing? No? No, leave has been denied.

**Mr. Gord Mackintosh (St. Johns):** The bill proposes to increase the costs imposed on fines, unless otherwise ordered by a judge, from 20 percent to 30 percent, an increase of 10 percent, and, as well, increases the limit on costs prescribed by regulation by 10 percent, which will take it up to 35 percent.

The change really is a catchup. My understanding is that the level of fines in Manitoba will still only be about halfway, in the median, for fines across Canada. I question why that is so, but, in any event, our questions are more on the issue as to where the additional revenues will be directed. We know that last April, for example, the government increased fines, some as much as 600 percent, and that brought in an extra \$2.7 million—at least that was the projected amount—but only \$276,000 of that was set aside for Victims Assistance. So our concern is the amount going to Victims Assistance, also to local authorities, so we will be pursuing that question at committee.

The deterrence, as provided by fines, Madam Speaker, is really a product not just of the amount of the fine but of the collection rate. It is important that there be effective collection of fines no matter what

their level. It is important that people know that the law means business, that the justice system is prepared to back up orders made and to ensure that wrongdoers face the sanctions that are ordered. That ensures respect for the law and certainly provides more effective deterrence.

Our concern is that in Manitoba we do not have a very good collection rate. We know that a year ago there were about 50,000 unpaid fines worth about \$7 million. I understand that there have been some changes in how fines are collected, and we certainly are interested to see whether the collection rate has improved, if, in fact, those statistics are kept to any reasonable degree of accuracy.

So, while the increase in fines is certainly not a concern to us per se, we want to help ensure that the collection of those fines becomes more effective.

With those brief words, we will see this matter forward, Madam Speaker.

**Madam Speaker:** Is the House ready for the question? The question before the House is second reading, Bill 20, The Summary Convictions Amendment Act.

Is it the will of the House to adopt the motion?

**Some Honourable Members:** Agreed.

**Madam Speaker:** Agreed? Agreed and so ordered.

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

**Madam Speaker:** To resume second reading debate on Bill 25 (The Proceeds of Crime Registration Act; Loi sur les enregistrements relatifs aux produits de la criminalité), on the proposed motion of the honourable Minister of Consumer and Corporate Affairs (Mr. Radcliffe), standing in the name of the honourable member for Transcona (Mr. Reid).

Is there leave to permit the bill to remain standing? No? Leave has been denied.

**Mr. Gord Mackintosh (St. Johns):** This is a straightforward bill that really just ensures that the

proceeds of crime which can be ordered for some security under the Criminal Code and the two other federal criminal statutes are ensured.

This legislation simply provides greater protection to the Crown and to the public to ensure that the intention of the Criminal Code is going to be met. It does not seem to make any difference to the priority of the personal property security scheme, and, accordingly, we are certainly prepared to see this legislation go forward.

**Madam Speaker:** Is the House ready for the question? The question before the House is second reading, Bill 25, The Proceeds of Crime Registration Act.

Is it the will of the House to adopt the motion?

**Some Honourable Members:** Agreed.

**Madam Speaker:** Agreed? Agreed and so ordered.

#### **Bill 40—The Manitoba Employee Ownership Fund Corporation Amendment Act**

**Madam Speaker:** Second reading debate, Bill 40 (The Manitoba Employee Ownership Fund Corporation Amendment Act; Loi modifiant la Loi constituant en corporation le Fonds de participation des travailleurs du Manitoba), on the proposed motion of the honourable Minister of Industry, Trade and Tourism (Mr. Downey), standing in the name of the honourable member for Dauphin (Mr. Struthers).

Is there leave to permit the bill to remain standing? No? Leave has been denied.

**Mr. Tim Sale (Crescentwood):** Madam Speaker, it is our understanding that the government worked reasonably closely with the Crocus Fund in the development of these amendments which we will be supporting.

Madam Speaker, I want to just put a couple of comments on the record in regard to the success of the Crocus Fund and the importance of maintaining our support for the framework that has made this possible. There will be more to say about this in Bill 39 which is

the bill that deals with making other funds legal in Manitoba and able to receive the tax credit program that is made available both by the province and the federal government.

Madam Speaker, the Crocus Fund act, in effect, had to be changed to deal with certain federal and provincial changes, and that is the purpose of these amendments.

I think that with those comments we can pass this bill to committee, Madam Speaker.

**Madam Speaker:** Is the House ready for the question? The question before the House is Bill 40, The Manitoba Employee Ownership Fund Corporation Amendment Act.

Is it the will of the House to adopt the motion?

**Some Honourable Members:** Agreed.

**Madam Speaker:** Agreed? Agreed and so ordered.

\* (1600)

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

**Madam Speaker:** To resume second reading debate on Bill 18 (The Emergency 911 Public Safety Answering Point Act; Loi sur les centres téléphoniques de sécurité publique—service d'urgence 911), on the proposed motion of the honourable Minister of Highways and Transportation (Mr. Findlay), standing in the name of the honourable member for Transcona (Mr. Reid).

Is there leave to permit the bill to remain standing? No? Leave has been denied.

**Mr. Gerard Jennissen (Flin Flon):** Madam Speaker, I would like to put a few words on the record regarding Bill 18, The Emergency 911 Public Safety Answering Point Act.

This side of the House recognizes the need for enhanced emergency 911 service in the province, and this legislation is to ensure that all public safety

answering points will operate within proper service guidelines regarding staffing, training and performance.

Setting standards for emergency response service is a positive move. The two existing public safety answering points, the one in Winnipeg and the one in Brandon, already meet or exceed the standards proposed by this bill, and we are happy to see this. Anything that improves public safety, any legislation that advances public safety is certainly welcome on this side of the House, and I presume it is welcome to all members of the House.

All of us are aware that when an emergency strikes, time is of the essence because one cannot predict emergencies and one has to act in a hurry, and it is certainly much easier to dial three numbers, 911, a three-digit number, than to search for the appropriate seven-digit number for the police or the ambulance or the fire department. This side of the House supported the \$400,000-plus expended to make the public safety answering point in Brandon a reality. We thought it was a good move, and we are happy that a number of municipalities are subscribing to the program.

However, we do have some reservations and some concerns, Madam Speaker. For example, the North appears to be excluded from the enhanced 911 service. In fact, I believe all communities north of 53 are excluded, including sizable cities such as Thompson and Flin Flon, north of 53. Now, whether this is due to the limits of technology or the fact that the North is sparsely populated, we do not have the density of population, or it is a money matter, I am not clear. Certainly northerners feel they are entitled to similar levels of service as are enjoyed by southern Manitoba. In fact the irony is that very often in the North, where communities are isolated and remote and very, very poor, emergencies seem to crop up more frequently. I would like to make reference to the fact that, for example, in Pukatawagan, with a population of somewhere between 1,500 and 2,000, there were 307 medivacs last year, almost one for every day of the year. So certainly such a service would be very useful for us in northern Manitoba.

Secondly, another reservation, since MTS was privatized, it is likely that private-for-profit PSAP operations will also come into existence in the near

future, and this is a concern to us as well as the protection of privacy should these new systems eventually be hooked up to medical record systems.

Thirdly, there is some discontent about who actually pays for the 911 service and the level of payment. The Winnipeg Free Press headline of June 5, reads: 911 costs skyrocket, Winnipeggers on hook for \$1.6 million increase, Costs outside city drop.

Now, as a northerner, Madam Speaker, I have never been particularly a cheerleader for Winnipeg, but I can certainly sympathize with the city when their 911 costs escalate from \$92,000 annually to \$1.7 million annually, because that is a 1,726 percent increase. It is true that the monthly costs for the 911 service outside the city did drop from 80 cents a month to 25 cents a month, but that is cold comfort to the city itself, which is facing some steep bills, obviously, or the individual subscribers.

At least one city councillor has called this move by MTS a cash grab, and also the member for Thompson (Mr. Ashton) has pointed out on several occasions, I believe, it is not right that MTS should load 911 costs on individual telephone customers. Essentially police, ambulance, and fire services are municipal services. I guess that MTS, on the other hand, will argue that 25 cents a month is a small price to pay for 911 services. So I know there are debates on both sides of the question.

Therefore, Madam Speaker, despite a few problematic aspects of this bill, this side of the House gives it its qualified support. We look forward to moving this bill to committee stage as soon as possible.

**Madam Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 18.

Is it the will of the House to adopt the motion? Agreed?

**Some Honourable Members:** Agreed.

**Madam Speaker:** Agreed and so ordered.

**Bill 57—The Highway Traffic Amendment,  
Summary Convictions Amendment and  
Consequential Amendments Act**

**Madam Speaker:** To resume second reading debate on Bill 57, The Highway Traffic Amendment, Summary Convictions Amendment and Consequential Amendments Act (Loi modifiant le Code de la route et la Loi sur les poursuites sommaires et modifications corrélatives)—sorry, I am just checking to see who took the standing motion and whose name it was stood in because it also received second reading just earlier today. [interjection] Okay, the debate was adjourned by the honourable member for Transcona (Mr. Reid).

Is there leave to permit the bill to remain standing in the name of the honourable member for Transcona? No, leave has been denied.

**Mr. Gerard Jennissen (Flin Flon):** This is on Bill 57, Madam Speaker?

**Madam Speaker:** Yes, Bill 57.

**Mr. Jennissen:** I am very happy to be able to put a few words on record regarding Bill 57, The Highway Traffic Amendment, Summary Convictions Amendment and Consequential Amendments Act, and I am very happy that the minister sent over the spreadsheets 10 minutes ago, so I had a chance to at least have a very brief look at it.

This is also called the red light camera act, because this particular act allows the City of Winnipeg to put up a number of cameras at strategic intersections to catch people who speed through red lights. I am not a city driver, Madam Speaker, but in the few brief months that I have negotiated the roads of Winnipeg, I have noticed that there is a tendency among Winnipeg drivers to assume that yellow means speed up and red you can still sneak through. So that concerns me, and I think it concerns a lot of Winnipeggers, including Police Chief Cassels, and also my honourable colleague for The Maples has pointed out that that concerns him.

There is no doubt about it, Madam Speaker, it costs Manitobans a great deal of money, these collisions that occur at the intersections, these right-angle collisions, in fact to the tune of \$90 million a year. It is not only

the money that is involved here but the number of people who get injured at these intersections. So anything to make the roads safer, to make intersections safer, certainly would be supported by this side of the House.

There is a concern, however, Madam Speaker. Part of the concern is the price tag that is attached to this. Apparently, it is going to cost \$100 for a violation and \$37 for the processing, so it is \$137 for each violation. We are expecting something like 20,000 of these tickets to be issued a year, so that would give the city somewhere between \$2.5 million and \$3 million a year, which is a considerable amount of money. Some people think that that perhaps is a little excessive, but if the fines are not of sufficient size, then they are not going to be a deterrent. That is the counterargument. So the fines are relatively high, \$100 for each infraction and \$37 for the processing.

That will net the city approximately \$3 million a year. Each camera costs \$90,000. It is going to be moved around. At present, we only have four cameras, so the city stands to make a sizable amount of money out of this, and that is perhaps one concern we have about it, that from the city's point of view at least, it is a money-making venture rather than a safety venture. We hope that is not all it is, but certainly there is that aspect to it.

**An Honourable Member:** You were never a fan of the city.

\* (1610)

**Mr. Jennissen:** My honourable colleague says I am not a fan of the city, but I am rapidly becoming so.

There is one other concern that some of my colleagues have mentioned, that people do not, of course, run red lights normally. It is a very dangerous procedure, but there are rare occasions where this happens, and one person pointed out, what happens if you are trying to stop in the winter and you hit black ice and you are sliding through an intersection and then you have to speed up to get through it so you do not hit somebody else or you do not get rear-ended or whatever. So there may be rare occasions where indeed, you know, it makes sense to run a red light, although these would be very few in number.

In general, Madam Speaker, we think this is good legislation, because it is going to put a damper on those people who feel that amber lights are made to speed through. It inevitably will reduce right-angle collisions at intersections, and therefore it will also reduce the tremendous cost to Autopac, not to mention the lives and the health of people who could be injured at those intersections when somebody runs a red light.

So, Madam Speaker, we give it our full support, and we would like to move it on to the next stage. Thank you.

**Madam Speaker:** Is the House ready for the question? Oh, sorry. The honourable member for The Maples.

**Mr. Gary Kowalski (The Maples):** I, too, would also like to speak in favour of this bill. I have been studying these red-light cameras for some time. Having been a traffic officer and attended many accidents, many of them fatal accidents that resulted from one of the more common causes for serious accidents, people running red lights, I know one of the concerns that I have heard expressed by people in call-in shows and that, was the idea that it is the owner of the vehicle that will receive the citation and not necessarily the driver.

I do not think people understand that right now under The Highway Traffic Act the registered owner of a vehicle could be tagged for many offences. If you lend out your vehicle to your son or daughter and someone borrows it at a party and is involved in a hit-and-run accident, you, as the registered owner, will be charged if they prove it is your vehicle. If your vehicle splashes somebody on the street with mud on a spring day and covers them with mud and they record the licence number, the registered owner is charged. There are many offences now, and it has been a common occurrence for years and years where the registered owner is responsible for those offences that occur with that vehicle. When vehicles became numerous on the roads, this was an accepted practice because of the grievous bodily harm that could be done by a motor vehicle. That is not a concern of mine, because presently if someone runs a red light, someone records the licence number, the registered owner could be tagged at the present time without this legislation; so that is not a concern.

The other element is, what is the real purpose of these red-light cameras? Traffic enforcement, the purpose is to make a road safer by causing people to obey the rules of the road, and there are several elements to it. Number one is the punishment. How much is the fine? If the fine was a nickel, would people really be that concerned? But I understand that the fines under this would be \$137 for a ticket for going through a red light using this red-light camera.

The other element is, what are the chances of getting caught? You could make the penalty the death penalty, but if you believed you would never get caught, people would disobey certain laws. When people know that there is always that possibility that any red light they go through, they could be getting a \$137-fine, I think people will be more cautious. You will see less accidents in our province involving people going through red lights, because people will be more cautious. So I fully support this bill and look forward to it becoming law in Manitoba.

**Mr. Jim Maloway (Elmwood):** Madam Speaker. I wanted to rise to speak for a few minutes in support of this bill, as well, before we send the bill to committee.

As the previous speaker and the member for Flin Flon (Mr. Jennissen) pointed out, this bill involves the installation of cameras at intersections, and there is quite a bit of interest in the public right now on this issue. Certainly, there is no question about it that safety is of paramount concern as far as the public are concerned, and there are quite a number of accidents that occur at intersections with people running red lights.

It has been a longstanding problem, and I think that you can trace it all back to people's driving habits from the very beginning. I do not know whether people are better drivers now that they have been taking driver training courses than they were in the old days when there was no such thing as driver training courses around, but clearly people develop bad driving habits at a very early age and they continue them on for many years. It is a hard battle, I guess, that people have to contend with because the driving habits do not tend to get better with age. They tend to get worse with age. So that is one of the reasons why this type of technology is now being introduced.

Madam Speaker, I remember in Japan, in 1989, from Narita Airport to downtown Tokyo, there was photo radar set up at that time. I know that people were a little careful in their driving habits when they knew that they would be faced with photo radar which would automatically give them tickets.

I am also informed that in Germany, on the autobahns, I believe, there has been photo radar installed in certain sections, and so on, in an attempt to make people slow down. The fact of the matter is that many people view driving as a game. It is basically pitting the driver against the police and the driver trying to outwit the police. As long as the police are few and far between, in terms of keeping track of the traffic and so on, what you see is excessively high speeds and excessively careless driving. Over the last few years, it was not long ago, in the last 20 years, that it was common for people to think nothing of drinking and then getting behind the wheel of a car.

I am very pleased. Thanks partially to the governments across the country successively bringing in drunk driving legislation. What we have seen is a general attitudinal change in the populace. We have seen over the years that people are doing less and less drinking and driving, and I think it is a major, major improvement, major change. Fewer people are dying. Fewer people are being injured as a result of these accidents. The property damages are down. So what we found is that changes such as this have been positive. Drunk driving legislation has been positive in reducing accidents.

What we have also found over the years is improved safety aspects. Safety features built into cars have markedly reduced accidents and the costs of accidents. What we found is seat belt—and that was controversial at the time when seat-belt legislation was brought in, many people did not want to wear the seat belts. It cut across party lines. People were very upset at any government that brought in seat-belt legislation.

I think today compliance is very, very high in seat-belt wearing and people accept. There is a certain learning curve here, but people accept after a while that it is the thing to do, that it is being done for their own

safety, and that they should in fact acquiesce and go with the flow and wear their seat belts and protect themselves.

\* (1620)

The same, Madam Speaker, can be said with the airbag situation. Airbags have been around since the '50s. We had President Reagan being elected in 1980—the member for Lakeside (Mr. Enns) is a big fan of his. One of the first things President Reagan did, other than fire all the air traffic controllers, was to accede to the lobby of the car manufacturers to put off the institution of airbags in cars. What had been set up was a process whereby car manufacturers would be required to put airbags in their cars, I believe, as early as the very early '80s, about the time, I think, after President Jimmy Carter left office and Ronald Reagan took office. That was about the time that the car manufacturers were supposed to be installing airbags in their new production models. President Reagan intervened almost immediately and listened to the car makers and Lee Iacocca and his colleagues at the other big three manufacturers, and I am sure in return for the very generous support they had given him in the election mandated that in fact—[interjection] As the member for Crescentwood (Mr. Sale) said, well, that is right, the company was bailed out, Chrysler was bailed out, but the President bailed out these companies again and let them off the hook as far as installing airbags was concerned. They were allowed a phase-in period, a phase-in period that in fact did not even start, Madam Speaker, until 1990.

What I want to ask is: How many people were killed or maimed as a result of not having the airbags in for that 10-year period, that sop that was given to industry at the expense of the motoring public?

Now, over the years airbags have been phased in and, generally, with the exception of the problems with children being in the front seat of cars, it is accepted that airbags have contributed to a reduction in deaths and a reduction in serious injuries of people over the last few years. But what has happened in tandem with that is that the drivers have not necessarily become better drivers as a result. What the drivers now feel is that now that they have airbags installed in their cars

that they can drive even faster, that they can even be more reckless than they were before, because now they feel that they are invincible. That is what studies have shown, that drivers are out on the road right now taking advantage of the situation, knowing that the airbags will save them when they hit something. They have tended to be a little more reckless.

The same can be said for antilock brakes. The ABS braking system is a feature, a very excellent safety feature that came in in the last few years and has become a mainstay at this point and, other than the fact that a lot of people do not know how to use them, in fact they do not stop the car any quicker, they just stop it more in a straight line. They are effective, but people have misunderstood what the antilock brakes are all about. They jump in the car and they start to drive thinking that somehow now they can tailgate somebody at 60 miles an hour and stop on a dime—[interjection] As the member for Crescentwood (Mr. Sale) said, if the brakes do not save them, the airbag will save them, but they are proven wrong in both counts.

So now what you have is people driving faster and more recklessly because they feel safer now because of these safety devices. So in fact the safety devices have, in some respects, worked against themselves, and we are not finding the degree of safety that we in fact should have. So, Madam Speaker, it really is an education process. It is an education process. Unfortunately people are losing their lives as part of their education, but it is an education process. That is the fundamental root of the problem. People have to learn from the very beginnings when they get their driver's licence that they have to be a little better drivers and a little more careful.

Now, Madam Speaker, there is another issue that kind of dovetails into all of this, and it just occurred to me that we should talk about it and address it today. That is the whole area of graduated driver's licences. Having a boy of 10 years old and one who is getting, you know, moving along towards that inevitable age when he will want to drive, the age of 16, I am becoming more concerned and more scared about the prospect of a 16-year-old being on the road. I have told him many times that I may have to work to get that driving age raised to maybe age 25 or maybe even 30,

because I know what my driving habits are like, and I am certainly not even comfortable with myself being on the road at times, let alone someone who has never driven a car before and is on the road at age 16.

A graduated licensing system, and I believe Ontario, I believe the previous Ontario government brought in a graduated licensing system. I am assuming that it has not been repealed by the Conservative government that is in there now. I assume that it is still in effect, and I assume that the graduated licensing process, procedures, an idea is actually one that is gaining ground rather than losing ground. I do not know what the government's plans are in this province to institute or introduce something like that. But I would assume that they have no doubt looked at that situation and are no doubt looking at it right now, some sort of a graduated licensing program whereby people who are 16 years of age do not automatically get a licence and head out on the road, that there is some system in place that they drive within restricted hours or under certain supervisions until they reach a certain level of proficiency at which point they can move beyond that. So that is another area that the government should be looking at.

The area of the photo radar, and I mentioned that I remembered seeing it in Japan in 1989, the government is somewhat reluctant, and I can understand why, because the current Conservative government in Ontario when it was running for election promised to get rid of the photo radar system that had just been put in place by the previous NDP government. The conclusion that was drawn by that process was that photo radar was not a popular thing to have and that, in fact, it lost political support to the government in power. It was sort of unfortunate that the previous government brought it in at the time that they did, just within six months or so of the election, because the Conservatives in Ontario used it as an election issue. Once they got elected, they found no way of gracefully getting out of their promise to remove the photo radar, so in fact they went ahead with it and they scrapped the whole system. I believe, I am not exactly sure, they sold the system or sold it to another jurisdiction. I am not sure whether it was B.C., but they certainly got rid of the system.

\* (1630)

The fact of the matter is that photo radar, once it had been in place for a number of years, would have become accepted, as seat belts did, as helmets with motorcyclists did. It took some time, there was a learning curve, there was an acceptance curve, and it would have been accepted over time and in fact it would have reduced—because studies have shown that photo radar has reduced the accident rate and so on in other jurisdictions where it has been tried. It just takes a little bit of patience and time to go through the learning curve, but this government got spooked by what it saw happen in Ontario, and, you know, I give them credit for having their political antennae up on this issue, because they realize that this is something that could work negatively, certainly in the short run for them, and so they are very nervous over there. They have pulled back from any suggestion that they would bring in photo radar in Manitoba, and I am sure they are studying it and second-guessing themselves and some days in a real quandary about what they should or should not have done about the photo radar situation. So what has happened then in the short run is that we are dealing with cameras in intersections.

As I had indicated, we support the bill, but I will say that there were some reservations. There are some differences of opinion from people in the public about this issue and, I guess, some of the concerns that people have right now may not be borne out in the long run, but we have no way of knowing that.

I wanted to tell you at this point and relate some of the concerns that have been mentioned by people at this point. One of them was that this person was concerned about perhaps being in a situation in the wintertime when there was ice on the ground in the intersection where it would be safer. I am sure there are many instances where this could in fact happen, where it would be safer to go through the intersection to avoid a collision. Because what this person was suggesting was that with this camera at the intersection, people would be riding their brakes right at the intersection. So they would be running towards an intersection and hammering their brakes and causing a pile-up behind them, as people rear-end one another.

He sounded pretty convinced in what he was suggesting—and this is a fellow who evidently drives for a living. He was concerned about that because he

drives for a living, he has to maintain his licence to keep his job. He is a careful driver but he was concerned that there were many instances where a potential accident situation was developing and that a person would, in fact, slide through an intersection to avoid that kind of accident. Now, to avoid that, they would be slamming on their brakes, causing big accidents to avoid this \$137 violation.

Another concern that was brought up was the sheer amount of the fine. It was mentioned that the normal fine without cameras at the intersection, the normal fine for going through the intersection, was roughly a third of what was going to be garnered by the government under this particular legislation, and that to him it seemed this was an obvious cash grab because of that. If they were to bring in the cameras and they were to charge the same amount they do right now, he thought, well, that might make some sense, but the fact that they would triple the current fine in essence to pay for the camera because, as the member for Flin Flon pointed out, the camera itself is worth about \$90,000, so the powers that be have decided that at \$90,000 a camera, they have got to make this thing pay for itself and they have decided that the fine is going to be \$137 per violation.

There are going to be people who are not going to be happy with this, there is no doubt about it, and they do cross all political lines. They are going to be New Democrat supporters, and Liberal supporters—if there are any left in the next few months—and Conservative supporters who are all going to be quite unhappy about this whenever there is a problem with this camera. But my guess is that over time, as people get used to this and accept it as something that they cannot change and that it becomes even more involved with more cameras at different locations that, in fact, people will essentially wisen up a bit and slow down and not try to do what you see over and over and over again, and that is people just deliberately running these red lights and, essentially, whenever they see a yellow light, they basically gun the car to try to beat the red. So that is a practice that has got to stop, but there are certainly some problems associated with it.

With that, Madam Speaker, I believe there are more people that wish to speak to the bill. Now I see increasing numbers of people wanting to speak to the

bill. That is fairly impressive, given the fact that the bill was simply just introduced in the last hour, and the member for Flin Flon (Mr. Jennissen) did not have his spreadsheets until about 20 minutes ago. Now we have a virtual lineup of people demanding to—I have never seen anything like this in the 12 years that I have been here. The people are lined up. People are lined up to speak to this bill. With that, I do want to turn the floor over to our next speaker.

**Mr. Tim Sale (Crescentwood):** Madam Speaker, I, too, am pleased to speak in support of this bill. I think the first thing to be said is, as my honourable friend from Elmwood has challenged us to do—to cast our minds backward, which is something Tories are particularly able to do, and to remember the past, just a year or so ago, when there was a fierce debate about photo radar.

Madam Speaker, I have a nodding acquaintance with photo radar through the attraction that one of my offspring had for a particular camera on Highway 401 outside Toronto. He was borrowing my nephew's truck. I guess, as a good westerner, he figured that trucks were meant to be driven, and he was certainly driving this truck on his way to a wedding. He attracted the attention of a small box mounted beside an overpass on his way to Oakville.

Madam Speaker, I think we can see the kind of salutary effect of this legislation if we would be able to—I have heard the conversation between my nephew and my son which contained a number of words which are not eligible to be used in this Chamber, because you may be interested to learn that my nephew is in fact a police officer. My nephew is not only a police officer, he is a police officer in the jurisdiction in which his truck was photo-radarred. So he was suffering a few slings and arrows from his fellow officers who, of course, as soon as the computer punched up this particular citation, they knew whose truck had been nabbed. My nephew is a man of about six foot two and a little over 200 pounds. He is a very capable police officer and a nephew of whom I am very proud. He very quickly straightened out my son in regard to who was paying this fine and how quickly this fine was going to be paid.

\* (1640)

So this particular incident, I think, proves the salutary effect of photo radar. Even though, of course, the fine was being levied against the owner of the truck, my nephew, the consequences very quickly found their way to the perpetrator who was my son. I believe that in due course he found the money, which was somewhat in excess of a hundred dollars and was a fairly severe amount for someone who was not at that point earning a great deal of money.

Madam Speaker, I think the first thing is to understand that indeed having natural consequences for something that you do that you know full well is wrong is not a half-bad thing. So I was very disappointed when this government essentially chickened out on the question of photo radar, because they were afraid that their friend, the successor to the Ontario big blue machine, Mike "Scissorhands" Harris, had taken some punishment in the public opinion polls for photo radar and had promised, in one of his sillier moments during his election campaign, that photo radar would be eliminated from the province of Ontario. So this government, as a kind of junior Harris rooting team, was then unwilling to implement photo radar.

Madam Speaker, what is this bill? We will not get into the details of the bill because that is only appropriate for the committee stage, but one is drawn to the first definition of an image-capturing enforcement system. Now, what a wonderful word for a camera, an image-capturing enforcement system. So it is a camera with a clock. It would be nicer I guess if the definition was of a camera with a clock and then we would know for sure what it was.

But I do not think that the manufacturers of these image-capturing enforcement systems would suggest that the equipment for the red-light runners is any different for the equipment for the 401 Highway or any other highway speeders. They are simply cameras with an intelligent focusing system that looks for a particular pattern and finds it and photographs it and tracks the image with a quick radar burst and then prints out an image with a little printout on the screen and, then, on the photograph it says, when this picture was taken at such and such a time the vehicle with this licence plate number picture was travelling at this speed, no difference whether they travelled to go through a red

light or whether they travelled through a stretch of highway exceeding the speed limit.

So, Madam Speaker, I think first of all we are pleased that the government is bringing in this legislation, although as my honourable friend from Elmwood (Mr. Maloway) said, those who are nabbed by it will cross all political lines and will not be so pleased the first time that they are nabbed.

But I think we have to look also forward into the future. When we recognize the carnage that continues on our highways and in our cities and towns with people who drive through stop signs and red lights and who for whatever reason see the yellow light not just occasionally as a time to speed up, which sometimes legitimately it is. If you are in slippery driving conditions, for example, and at the point at which you hit an intersection the light goes yellow, you certainly do not want to try to stop, because you are more likely to cause an accident than to avoid one. So what you want to do is not increase your speed but simply go through. I think the honourable member for The Maples would probably confirm that the idea here was not to speed up but simply to proceed through and not to get into a braking situation where you would lose control of the vehicle in spite of the presence on newer cars of ABS brakes. I think those ABS brakes are overrated, Madam Speaker, in terms of what they actually do for people. They certainly terrified me the first time I put my foot on the brakes too hard. I really thought the whole front end was coming off the car.

So if we look forward and look at the amount of time that it takes ordinary people, us, you, me, to adapt to new requirements and new technologies, I think we will see that it does not matter what restrictions are brought in, whether it is seat belts or photo radar or speed limits or photographs on driver's licences, there are people who object just out of the rejection that they have for any kind of change that they perceive themselves to be affected by. So cyclists do not want to wear helmets and motorcyclists do not want to wear helmets and motorcyclists do not want to have to pass particular tests. We have that kind of reaction.

But I want to also refer to the kind of future that I would hope we would see increasingly take place in my own neighbourhood. As members know, I used to

work at a church, St. Paul's Anglican Church on the corner of North Drive and Point Road. It is a four-way stop, at least that is the theory, but actually a good deal of the day and certainly into the evening it is a no-way stop. I would suggest that the drafters of this bill might not just think about stoplights but stop signs. I can tell the City of Winnipeg that if they would like to increase their revenue very sharply, I have an intersection for them, because we have witnessed sitting in the office of our church a couple of very serious accidents in which people simply drove through the stop sign and met in the intersection, but perhaps not in the way that they had intended to meet their neighbours.

But, much more seriously, this is a street and an intersection that is adjacent to two schools, an elementary school and a junior high school, total enrollment of over 600 pupils, in fact over 700 pupils, Madam Speaker. It would be a very rare evening when my wife and I are walking any time in the evening that we did not see three or four cars barely slow down and simply proceed through this intersection at anywhere from, I would guess, 40 to 60 kilometres an hour, a four-way stop sign. So I think that this has application not just to stop lights but also to stop signs.

Now, the issue of enforcement, I think, is also a very important issue. I began my remarks by alluding to an event in my own family. I think that we can generalize this and recognize that when my honourable friend from Elmwood or from Point Douglas—I will not refer to my friend from Dauphin because he has no offspring at this point, but let us take the situation where—at least none to speak of. Let us take the situation where one of our children, the honourable member for Elmwood or mine, that is what they usually do on Friday night and Saturday night and borrow the family car. They head out and a couple of weeks later, we get a little citation in the mail that says, \$132, please, your car went through a red light. You kind of scratch your head and you say to yourself, gee, you know, I do not remember being at that intersection. I do not think I was out then. You look at your book and you talk to your partner and you say, were we out that Saturday night? I do not remember that, and you say, wait a minute, that was the night that little Johnny borrowed the car. Oh, you say, so then it is time for an interview with Johnny. You say, Johnny—it would not be a Susan doing this, because I do not believe that young women drive as

badly as young men and the insurance records, by the way, bear that out.

**An Honourable Member:** You should have just said it was Chris driving.

**Mr. Sale:** Chris, yes, that would be a good one. No, Johnny I am going to stay with. So there is a little interview then that takes place in which the parent has to come up with \$132, because that is the way the law reads, but I cannot imagine there will be too many families where that is where the matter ends. I suspect that for all the members opposite and all the members on this side, there would be an easy payment plan instituted which might consist of one payment and no car for a month, or it might consist of payments over time and no car until the payments are all made, or some such arrangement, but very quickly, Madam Speaker, I think it would become clearer to whomever the car was being used by that this behaviour was unacceptable.

So I think I as a parent would welcome the opportunity for this interview, because when my children were learning to drive, only one of them ever attracted the attention of, as my honourable friend from River Heights says, the constabulary. He was stopped by the police—only one of them, but I did not find out about that encounter even though it was in my car for some years hence. I did not know that there had been a little encounter with the police, and I found that out some years hence. I think it would have been much better if I had found out about it at the time, because we might have saved ourselves a bit of grief in terms of how cars are operated and what the future safety of that particular child might have been.

\* (1650)

So, Madam Speaker, even though this legislation may cause some frustration because citations will be received by people who were not operating the vehicle, I cannot help but think that there will be also positive consequences to that. There will be some very good interviews between those who own the car and those who are operating the car, and I think those interviews will lead us towards a safer highway system for all of us to enjoy.

I think this legislation has a great deal to commend it, and we should be looking forward not simply to the

imposition of legislation for red lights but the use of photo radar and other mechanisms which can make us all more accountable for our driving behaviour. Thank you, Madam Speaker. With that, this bill is ready to go to committee.

**Madam Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 57, The Highway Traffic Amendment, Summary Convictions Amendment and Consequential Amendments Act.

Is it the will of the House to adopt the motion?

**Some Honourable Members:** Agreed.

**Madam Speaker:** Agreed? Agreed and so ordered.

#### **Bill 55—The Manitoba Hydro Amendment Act**

**Madam Speaker:** To resume second reading debate on Bill 55 (The Manitoba Hydro Amendment Act; Loi modifiant la Loi sur l'Hydro-Manitoba), on the proposed motion of the honourable Minister of Energy and Mines (Mr. Newman), standing in the name of the honourable member for Thompson (Mr. Ashton).

Is there leave to permit the bill to remain standing in the name of the honourable member for Thompson?

**An Honourable Member:** Leave.

**Mr. Steve Ashton (Thompson):** Madam Speaker, I would ask for leave. Actually I will be speaking just after the—

**Madam Speaker:** Okay, we will leave it with leave now then. Leave has been granted to leave it standing in the name of the honourable member for Thompson.

**Ms. MaryAnn Mihychuk (St. James):** Madam Speaker, it is my pleasure to have an opportunity to speak on Manitoba Hydro once again. The government has presented a bill, Bill 55, The Manitoba Hydro Amendment Act.

This is an act that basically is in response to a commitment that Manitoba Hydro has made in the MAPP agreement, which is the Mid-Continent Area

Power Pool, which was signed last year. This is clearly an issue where we want to put on the record that this side of the House is indeed in favour of interchange agreements, in favour of having a strong vibrant Hydro as a Crown corporation that is actively pursuing agreements such as this one. In fact, the Northern States Power Agreement was indeed negotiated and signed by the New Democrats. Indeed, we reaped the benefits from the Northern States Power Agreement. In fact, that one agreement will pay the total capital costs of the Limestone project.

Madam Speaker, we have seen over and over again the benefits of having Manitoba Hydro as a Crown corporation, and that is indeed what Manitobans want to see in the future. We are in favour of working and promoting Manitoba Hydro, looking at opportunities to market and sell surplus revenues into the MAPP network. This is seen as a continuation of the policies that we initiated of using Manitoba Hydro for the benefit of Manitobans.

We have been the benefit of that for many, many years in many different sectors. It was indeed a wise decision to build and develop Manitoba Hydro, to negotiate long-term supply agreements which indeed we are benefiting from now. We are actively pursuing an agreement with Ontario for a power deal that unfortunately collapsed under this government.

As we look for other agreements, it is the first hint of a successful negotiation by this government when it comes to Hydro. For that reason, we are supportive of looking toward securing long-term contracts at reasonable rates, rather than the short-term sales agreements that have been the practice for several years.

We are also in favour of Hydro's diversification. Hydro has been in a number of different sectors. Manitoba Hydro not only generates, distributes, transmits hydro for its customers—

**Madam Speaker:** Order, please.

#### Point of Order

**Hon. James McCrae (Government House Leader):** Madam Speaker, on a point of order, I hesitate and did

hesitate to interrupt the honourable member for St. James simply on a matter of House business.

If you would be so kind, after the bill presently under discussion has been considered today, if you would call Bill 9 and then return to the list I gave earlier. I apologize to the honourable member for St. James.

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**Ms. Mihychuk:** I wanted to also point out that, indeed, this bill does encourage diversification and allows Hydro other opportunities, and we have been, indeed, in favour of Manitoba Hydro's diversification. They are in a number of different sectors, components that are related to energy generation, distribution and supply. Right now we have seen them more active in fact in energy conservation. Manitoba Hydro is taking the lead now on energy conservation, both in terms of public awareness, home inspections, business inspections, providing opportunities for schools and businesses and other public resources to convert, for instance, light fixtures into energy efficient bulbs and fixtures through a funding agreement with Manitoba Hydro.

Indeed, we do see that is the appropriate place for Manitoba Hydro. In addition, Manitoba Hydro has provided loans for upgrades, has done business inspections, is now in a new hot water tank rental program that provides the highest-tech type of hot water heaters that are available for the public. They even produce recipes. Madam Speaker, this is not a new component for Manitoba Hydro. They are in a number of different businesses.

Madam Speaker, if you have been in the North, Manitoba Hydro is also the source of expertise, technology and has numerous facilities in Manitoba Hydro's stations up north that are used and accessed by communities. That is what they have always done, and that is what we hope that they will do in the future. That commitment we support. That is the commitment that we have for Manitoba Hydro, and we hope that continues. So why would we indeed—we look for further diversification and supports to communities, and this is exactly the reason why Manitoba has indeed been successful in serving the people of Manitoba.

We are also for a strong Crown corporation, a Crown corporation whose first mandate is to serve the people of Manitoba, ensure a continuous supply of electricity at the lowest possible rates. The ultimate purpose of Manitoba Hydro has been to serve the people of Manitoba, and we are going to keep to that intent.

The wording in the bill now includes the generation of profit. We are saying that the No. 1 priority for Manitoba Hydro must be to serve the people of Manitoba first and foremost, and we will be there to ensure that they will do that and that its ultimate purpose will not be moved to a business or a corporate goal of profit only at the sacrifice of the people of Manitoba.

\* (1700)

Madam Speaker, we have seen a strong Crown corporation be successful, record profits three years in a row, ensuring excellent service, one of the lowest down times of any public utility, any utility, the lowest electrical rates in North America, in Europe, probably close to the world, the lowest electrical rates in the world, and who can produce it? Is it a private sector corporation? No, it is a Crown corporation, whose priority has been the people of Manitoba's service and fundamental low rate structure. So here we see a Crown corporation extremely successful, and that is why Manitobans are saying yes to Manitoba Hydro and no to the Conservative government's plan to sell it off. No matter how they wish to cloak the fact of their ultimate agenda by putting in a clause in this bill, they are not fooling anyone. It is similar to the situation that happened with the Manitoba Telephone System. Do we remember their saying we have no intentions to sell Manitoba Telephone? Yes. No plans. Did we hear this government say we have no plans to sell Manitoba Hydro? The situation is similar in a number of aspects. Break down the corporation into business units. Deregulate. Looking at downsizing.

**An Honourable Member:** Oh, they have done that already.

**Ms. Mihychuk:** They have done that. Madam Speaker, the record is there, and we know that the ultimate purpose of the government, as they have seen

in numerous, numerous Crown corporations, is to privatize, sell off. No matter the fact that it is, in fact, a benefit to Manitobans, the ultimate purpose is divesting of Crown corporations. You do not hear this government often speaking to the fact that Manitoba Hydro is an extremely, extremely successful corporation, a corporation that has been there to serve Manitobans and has a record that is recognized not only by other governments, but indeed was recognized by the Dominion Bond Rating agency in 1995, was cited in the PUB hearings as supporting Manitoba Hydro. Manitoba Hydro was, in fact, cited to be one of the best utilities and to be in a position to deal with any rate pressures caused by competition. The Dominion Bond Rating Service states that Manitoba Hydro's variable and semivariable operating costs are the lowest in the country, giving it great flexibility to deal with rate pressures caused by competition.

The simple fact is you do not become—and this was in relation to the PUB when they were looking to increase rates. It is supportive when all sectors of the economy recognize Manitoba Hydro as being a strong, successful Crown corporation, not only in terms of its service to Manitobans. We did mention already the lowest electrical rates. We also benefit from the revenues that it generates, and it is paying off its debt and its capital financing, as well as providing revenues for the Manitoba government in terms of the capital tax and the water rental rates that are being charged to Manitoba Hydro.

So the government itself is dipping its fingers into the profits of Manitoba Hydro, and so be it. It was the people of Manitoba that made that commitment to Manitoba Hydro. It was the people of Manitoba that were willing to take the risk and build Limestone. It was the people of Manitoba that still have the commitment to Manitoba Hydro.

So I think that it is clear that this side of the House and the people of Manitoba are prepared to stand for a strong Crown corporation, and it is the next provincial election that will determine the fate of Manitoba Hydro, not this section in Bill 55. It is not that that is going to determine the fate of Manitoba Hydro, and we know from this government's record that what they say here is not what they are going to do after the next election.

So we have confidence that this issue is before the House today and will be before the people of Manitoba in the next provincial election, where they will put their confidence to ensure that Manitoba Hydro stays in the hands of the public and remains a Crown corporation through a strong New Democratic government in the next general election.

Thank you very much, Madam Speaker. I know that there is interest for other people to speak to this bill, and I am glad to see that the other side of the House has taken some interest in this bill and indeed look forward to a few words from my other members. Thank you.

**Mr. Gary Doer (Leader of the Opposition):** I want to speak for a few moments on Bill 55. There are two parts of Bill 55 that are important to the people of Manitoba. The first part of the bill, of course, is tactics, Tory tactics, and the second part of the bill is substance. I will deal with tactics today at second reading, and I am prepared to deal with substance if this bill ever gets to third reading. I will be prepared to deal with substance at third reading.

But let us look at the tactics. One is reminded of the old Shakespearean play and the old quote in the Shakespearean play, I think: You doth protesteth too much. When you look at the amendment, the Trojan Horse amendment is contained within The Manitoba Hydro Act, a kind of devious amendment that is in The Manitoba Hydro Act that says that the government will not sell Hydro or any part of Hydro as an amendment to this act.

Now, the government knows that that is the most redundant amendment to this act that has ever been proposed by any government in the history of this province, because the whole Hydro Act talks about public ownership, a public, nonprofit Crown corporation for the best interests of all Manitobans.

So why would anybody that was not planning on selling Hydro have to put that clause into the act? The only reason they have to put it in the act is because they know that nobody in Manitoba trusts them anymore on dealing with their Crown corporations. So how do you deal with the broken promise?

**Madam Speaker:** Order, please.

**Mr. Doer:** Excuse me.

**Hon. Linda McIntosh (Minister of Education and Training):** It is just a simple request. No one is heckling. Everybody is being quiet. The member does not have to shout at the top of his lungs. We can hear him, and I wish you could just, if you could ask him please to moderate his voice so that it is easier to understand, we would appreciate it.

#### Point of Order

**Mr. Doer:** On a point of order.

**Madam Speaker:** On the same point of order?

**Mr. Doer:** She did not make a point of order. On a point of order, I would ask you to rule a person that stands up and makes requests in the middle of speeches, does not cite a point of order, does not cite the rules of this House, just willy-nilly goes along without any consideration or any sensitivity to those of us who are trying to put some notes on the record.

Points of request are not points of order, Madam Speaker, and I would like you to cut that member off at the first word if she tries to break these rules again. That is my point of order.

**Madam Speaker:** On the point of order raised by the honourable Leader of the official opposition, it was my understanding the honourable Minister of Education was on a point of order and, indeed, I should have clarified that. She indicated only a matter of request and indeed the honourable Leader of the official opposition does have a point of order. Members are not to be interrupted during debate unless they are up on legitimate points of order.

\* \* \*

**Mr. Doer:** It may be of interest to the Minister of Education, when the old auctioneer starts speaking, sometimes you have to speak above his cadence and his mutterings and his mumblings that take place in this Chamber. I suggest the Minister of Education take that up in her caucus.

\* (1710)

The Deputy Premier asks: What have you got against democracy? That is a good question, because we went through democracy here last November. We went through democracy in its full form where we were denied the opportunity to speak, vote and deal with a matter of public importance, and that was over the Manitoba Telephone System, and that is why this government has put these redundant tactics in this bill, because they know that they have a set procedure to deal with the privatization of Crown corporations. Reorganize, deregulate, deny sale during an election, break your promise after election, hire brokers, do not tell the minister. Later on, when the opposition breaks it, tell your own caucus. Get brokers to evaluate the situation. Break your promise and then legislate, again, away from public ownership without any referendum or any desire of the public to have a chance to speak.

Now, Madam Speaker, we do not need any lectures from members opposite about how to sell Hydro. They were opposed to Limestone; they were opposed to Limestone. The Northern States Power sale and Limestone was done by the New Democratic Party. In fact, the member for Point Douglas (Mr. Hickes) was part of the training of the Northern States Power where many First Nations people were trained in apprenticeship programs here in Manitoba.

Madam Speaker, we do not need lectures from members opposite about how to deal in the North American market. The only way they have dealt in the North American market is by fumbling the thousand megawatt deal that we had with Ontario. The only thing they have done is fumble a deal that we had negotiated with Ontario. They basically said it is going to cost you twice as much to delay it for three years as it is to cancel it. Well, what do you think the province of Ontario did? Of course, they cancelled it. What a brilliant negotiating strategy. If the member for Arthur-Virden (Mr. Downey) could not get the deal going before the last election campaign, he was not going to take any chances of another government coming in, and that is the ability of some of these people across the way to deal in a negotiating way in the North American market.

As the member for St. James (Ms. Mihychuk) has stated, we understand the necessity of interconnections in hydro sales and hydro development. We understand

that more than any member opposite. We also understand the asset that we have in Manitoba Hydro. We also understand that the many ways in which you can negotiate these agreements is utility to utility. We also understand the ability to have power in Manitoba in seasons where it is cold and have interchanges with other utilities in periods where their climate needs lots of air conditioning. We have negotiated those and left Hydro with the lowest rates in North America.

We bequeathed this Hydro development and utility to you, not by will, by the way, but by political fortunes, and, Madam Speaker—

**An Honourable Member:** The voter is always right.

**Mr. Doer:** They are always right. The voter is always right. But the Northern States Power deal will basically pay for Limestone. Limestone will be paid for by the American utilities. By the year 2004, the Americans will pay for Limestone. Now, when these members opposite talk about Hydro deregulation and threats that that might have to Manitoba's revenues, I would point out that there is a fixed agreement with Northern States Power that runs to the year 2004.

So what is the panic to bring this bill in now with absolutely no discussion with the public, without having any discussion with the people of this province in terms of the various proposals that are taking place? What is the panic to take in and weaken the power of cabinet and the Minister responsible for Hydro in this bill and delegate those powers to a politically appointed board and to the management of Hydro? What is the panic in allowing an MTX form of subsidiary in Hydro without approval of cabinet or of this Legislature? I do not understand why, and the Deputy Premier (Mr. Downey) knows, of course, the history of some of these developments.

So, of course, we believe in selling power to the United States and to any other jurisdiction. We negotiated 200 megawatts with Ontario and signed it. It led to another thousand megawatts sale to Ontario that the members opposite fumbled and blew, and we negotiated interchange agreements under the North American market, and we negotiated a Northern States Power sale that basically means that Limestone is paid for by the Americans.

This was opposed by the Tories. Who opposed Limestone and the Northern States Power sale? The members opposite. Now they are born-again marketers of Hydro. You know what you are doing? You are only clipping the coupons that were negotiated by the New Democratic Party of the past.

Madam Speaker, we obviously think that this bill and the whole need to look at—we are in favour of interchange agreements, but we are against the way in which the Tories use deregulation as the key to the stolen car in the telephone system, and it will be the key to the stolen car of Manitoba Hydro.

We support interchange agreements. We support marketing our energy to our various customers. We support the control of Manitoba Hydro by the cabinet and by members of this Legislature. You are weakening the purpose of Hydro. You are delegating authority to the corporation that should be maintained in this Legislature through the duly elected representatives and the cabinet minister responsible, and we do not trust you, your protestation is to the opposite.

The people of Manitoba do not trust Tories with Crown corporations. We also think the people of Manitoba—we trust the people of Manitoba a lot more than the members opposite. We believe the people of Manitoba should be consulted on this bill. We believe that Bill 55—because there is no panic, the Northern States Power sale is not till the year 2004. There is absolutely no panic in getting through this bill right now before people can understand this bill. We suggest the reason why this government wants to pass this bill quickly in the end of this session is because they do not trust the people, because they know the people do not trust them.

Those are the tactics of this bill that I want to speak about. Your redundant amendment means nothing to us, because we know if you plan on breaking your promise you will relegislate this legislation. We trust the people. We believe the people should own Manitoba Hydro. We know the government does not. Thank goodness for the New Democratic Party and our belief in strong Crown corporations. Thank you very much, Madam Speaker.

**Mr. Steve Ashton (Thompson):** Madam Speaker, I want to say that what the government is essentially doing with Manitoba Hydro is saying “trust us.” You know, I was just thinking about this, and I remember the last time I heard words like this. I remember when I was a kid one time I lent some money to a classmate of mine, and, well, I remember quite well because he did not pay me back. Then he came to me about a month later and he said, Steve, I need to borrow some more money from you. I said, well, you did not pay me back from the last time. He said, yes, but this time I really will pay you back. Well, I learned a lesson at that time, sometimes there are some people that you cannot trust, and I did not give him the money. I did not lend him the money.

What the provincial Tories are asking right now is, they are coming to us—it is sort of like, you know, let us say they are sort of like the kids in a household. They have got their driver's licence. They have already come to you as the parent and said, I want to borrow the car, except they have already borrowed the other car—in this case, the equivalent of the phone system. They already borrowed that. They sold it off. They want to borrow this one, but they will return it. They will not touch it.

I mean, how many more times do the government members opposite have to realize that people in Manitoba do not trust them? Let us talk about lack of credibility here. It was only a year and a half ago, not even that, that this government was saying “we have no plans to sell off MTS.” At one time, they said the only person who had any—I was talking about selling off MTS, the only party was the member for Thompson and the New Democratic Party.

Now, I am not going to revisit what happened with MTS. It is etched in the minds of the people of Manitoba, but they will remember it. They are going to remember it, believe you me, in the next election because what is interesting, what is scary is the fact that when they were asked about Hydro, what was their response? We have no plans to sell off Manitoba Hydro. Now where have I heard that phrase before? Where have I heard that phrase before? I must admit the Premier (Mr. Filmon) did it with about the same amount of conviction. So that eliminates them from virtually any credibility when it comes to Manitoba Hydro. Everywhere that we are going in the province,

people are asking the same question. They are saying, what is next, is it going to be MPIC? Is it going to be Manitoba Hydro? What else are they going to try and sell off for their own ideological purposes? This is not average New Democrats even. This is people all across the province.

\* (1720)

All across the province know that this government, now that they have got their hands on our phone company, would love to get their hands on Manitoba Hydro. Just think about it. I mean, if the brokers were happy with MTS, with their \$35 million, if the sales of Jaguars went up, my God, just think of what this would do for the sale of Jaguars if they got hold of Manitoba Hydro. You know, brokers, by the value of the company, would probably make \$100 million on the sale of our public asset—\$100 million. That is a lot of Jaguars. But that is the sort of narrow-minded agenda we saw with MTS. Some people benefitted and most Manitobans lost out.

Well, let us talk about Manitoba Hydro because I want to talk about their credibility on hydro. It will not take very long because there is not very much credibility. You know, some of us remember this party—for new members, we can go back to the Lyon government, and the Deputy Premier (Mr. Downey) was part of that. What was the first thing they did on hydro? They cancelled Limestone. I want you to know their history on this.

Now, what happened in the 1980s when the New Democratic Party government of the day, we revived Limestone by selling to NSP, the power sale? Now, what did the Tories say at the time? Did you know they opposed the sale? They opposed the NSP power sale. The then critic for Manitoba Hydro was the member for Lakeside (Mr. Enns). You know what he said? He said that we should buy power from the United States instead of constructing Limestone at that time. That was our option. Talk about dinosaurs. What a brilliant suggestion. Instead of producing power for our own needs and to be able to sell it to the United States, we would buy it from them. Well, it is interesting, because, you know, this party was the party of doom and gloom. They criticized Limestone like you would

not believe. They criticized the cost; they criticized the need for it, the NSP power sale.

Now, let us talk about what happened with the cost factor.

**An Honourable Member:** What did Sharon call it?

**Mr. Ashton:** Well, I will not talk about the Liberals. I do not want to rub that in, but lemonstone, I think, was the term that was used—lemonstone. Sharon Carstairs attacked it, and I give her credit. It took a lot of gall to come to northern Manitoba and attack it like she did, but she said it wherever she went. The Tories were a bit more circumspect. They did not say those kinds of things in northern Manitoba.

But, you know, what is interesting is what was the cost of Limestone? You know, due to the timing when it was built and the way in which it was built, the original projection was of it costing in excess of \$3 billion. It cost closer to \$1.6 billion. The NDP government saved the people of Manitoba more than a billion dollars on the cost of the construction of Limestone, a billion dollars. [interjection] Well, I am glad the member for Brandon West (Mr. McCrae) is finally saying yeah, yeah, yeah, yeah, because back in those days he was saying no, no, no, no to Limestone.

Well, I want to go one step further, because let us look at their credibility. Let us look at their credibility, and I look straight at the former Minister of Energy and Mines. When we left office, we had negotiated an agreement with Ontario Hydro that would have triggered the establishment of Conawapa. Now, Conawapa, for those members opposite who are not aware, would have provided very limited environmental damage, far less damage than any other dam, but what is interesting is this brilliant minister, when Ontario Hydro came and said we have some difficulties—and they did have some financial difficulties—and said there are two options here, either you postpone it for five years or you cancel it, what did the brilliant minister say, this minister responsible for I, T and T? I guess he might have had better success in dealing with this if they were Brazilians, but, you know, he went to the people from Ontario and he said cancel it. Cancel it. They cancelled the Ontario hydro sale, and right now

Conawapa has been mothballed. It has been mothballed. That is the record of this government in terms of hydro development.

I must admit I think a lot of it is jealousy. They talk about dinosaurs. This is the ultimate party of dinosaurs, because much of the history of Manitoba Hydro is the history of New Democratic Party governments developing our hydro potential. I mean, in the North, for a while there, it used to be our nickname was the northern development party; and for a while it was the new dam party, with one "m," not an "m" and an "n," by the way. It is interesting because when this government has come in, I believe they are driven by an historic difficulty of dealing with the fact that one of the reasons that the New Democratic Party developed such credibility in this province, and why we have either been government or are clearly contenders for government now, is because we have a record of economic development that in large part came from such vision as was shown in terms of the development of our hydroelectric potential in northern Manitoba. This government, the vision of this minister was it was better to cancel than to postpone for five years. They have not built—

**An Honourable Member:** The Tritschler Commission.

**Mr. Ashton:** Well, the Tritschler Commission. It is interesting, the Minister responsible for I, T and T may wish to explain when was the last time there was any initiative on the Hydro front by a Conservative government. You have got to go back to the 1960s, Grand Rapids. You know, for the last 27, 28 years in the province, they have been the party that has been against development of our hydroelectric potential. Do you know what is interesting? Despite those naysayers on that side who said that the sale to NSP was a bad decision, despite those who said that we should not have built Limestone, we did. Do you know what? History has proven us right. It has proven us right because this government is pocketing more than \$100 million a year in profits from Limestone, more than \$100 million in profit, and is able to pay down its debt-equity ratio—

**An Honourable Member:** That is not true.

**Mr. Ashton:** Well, the Minister responsible for I, T and T says it is not true. Maybe he should read the books of Manitoba Hydro. You know, this incompetent minister who single-handedly was able to assure that we were not able to continue with Conawapa says it is not true. Read the books because Manitoba Hydro was left in tremendous financial shape because of the foresight of a New Democratic Party government.

Well, Madam Speaker, I could go on for quite some time, but you know I think it comes down to two things in Manitoba Hydro. One is this is a party without vision. This is a party that has had no vision for the province of Manitoba for quite some time. You know I get a kick out of them. Their new vision now is this SmartHealth, and we have people there on that side saying well, my kids have computers; you know, this is computers. I mean the Premier—we pointed out that even doctors have concerns of the MMA, and he says, well, they are just a bargaining agent; give them more money and they will support it.

What they do not understand here, vision is not about talking about technology as a panacea here. It is not about that kind of one-dimensional approach and ignoring all the human concerns. I will tell you what vision is. Vision is what was shown by the New Democratic Party government in the 1980s, went against all the naysayers in the Tory caucus. We did what was right, and 10 years later, we are proven right. That is vision.

Madam Speaker, the vision for the next period of time going into the new millennium is one of public ownership. We have succeeded in this province. We have got the lowest hydro rates in Canada and probably the world. This, thanks to—[interjection] No way. It is interesting because even the member from his seat cannot tell the truth about an historic event that took place in this province. This member, if he would care to do his homework, might want to correct the record. The Liberals voted against the floodway; the New Democrats voted in favour of it, and he should be aware of that. But it is interesting how, when I talk about vision, this minister talks about 1962. Now, who is the dinosaur?

If you want a future for this province, it is going to be maintaining public ownership of things like Manitoba

Hydro. We have got the lowest rates of anywhere in North America. We are making a profit. We have proven we have a great potential to create jobs. There are thousands of Manitoba Hydro employees today who are in that position, and there could be many more through the proper development of our resources in this province. I say to this government show some vision for once, stop your policies of the past several decades, rethink Manitoba Hydro, and do not listen to the ideologues who want to see this added to the same chopping block that Manitoba Telephone System was.

\* (1730)

When that gets to the bottom line here, the real issue with this bill is the fact that we cannot trust this government on anything to do with Crown corporations. If they are asking the question through this bill, will you trust us, the answer is no, and not just from us but from people throughout Manitoba.

I say to the members opposite, the problem with this bill is there are elements that you can read and you can say, well, this is reasonable. We all want to see Manitoba Hydro being able to trade in terms of power with the United States, especially in this party because we initiated the sales to the United States against the opposition of the Conservatives, and we built the dams. So let no one on that side try and play historical revisionism here. The fact is the New Democratic Party is the party in the last several decades of Manitoba Hydro and economic development and open trade and a sense of future for this province.

That is the problem, Madam Speaker. Read this bill because, you know, they even put in a "notwithstanding" clause. I think this has already been referenced, but we have not seen anything like this since Neville Chamberlain. It is sort of peace in our time. It is like, boy, have I got a deal for you here. Read it. It is in black and white. We do not have to worry about Manitoba Hydro anymore. There is a clause in the bill that sort of basically almost says, not quite but sort of says, we are not really going to sell it off. I wonder why they put that clause in. This reminds me of a Monty Python skit. They should have, in this clause, called it the "not the MTS" clause. They should have just said nudge, nudge, wink, wink, we

know you are thinking we are going to sell it off, but we are not really, believe us. Right?

I mean, come on, Madam Speaker, this is the real world. Everybody knows that the government used the argument on MTS that we know it will try and use on this bill too. What was the argument in MTS? Who can forget when the Premier (Mr. Filmon) stood up and said, well, gee, we did not know that MTS was competitive now in 80 percent of its markets. What was he referring to? The deregulation of—the establishment of competition in the long distance market in 1993.

Now, I want to be charitable here. If that statement was true, that First Minister is an incompetent fool for saying it on the public record because three years after deregulation, he finally realized what was happening. If he was not telling the truth—well, there are other terms I could use to describe the Premier, most of which would get me into some difficulty in terms of being unparliamentary. But that is the problem with Manitoba Hydro. They used the argument—[interjection] Well, to the Minister of Education (Mrs. McIntosh), no one listens to the Minister of Education because I know. I have even talked to constituents who tried to get a straight answer from her on MTS, and I do not think she even bothered to respond to their letters.

The bottom line, Madam Speaker, is they used the excuse of deregulation to privatize MTS, and this bill, I believe—I do not even think we should use the word "deregulation" for some aspects. Interchange of power, I think, that is a positive thing. But you wait for them to use the "deregulation" word and have it read back to us. That is part of the agenda. It is kind of the old "the devil made me do it" argument. They want to sort of say, well, we do not really want to sell off Manitoba Hydro. They will go in a couple of years, if they get back in, and say, well, we brought in this Section 15, but we really did not mean it.

**An Honourable Member:** The brokers made them do it.

**Mr. Ashton:** Yes, the devil made us do it. Well, the brokers made them do it. Bay Street made them do it. Madam Speaker, this bill cannot be allowed with the serious questions that are being asked about it,

notwithstanding some of the features in this bill that I do not think even we would oppose in terms of interchange of power, exchange of power, because, once again, we have done that. We have shown the way to deal with one of our best resources. That is why we cannot allow this bill to be rammed through this Legislature, rammed through by a government which has some history of ramming through bills in regard to our Crown corporations, and we will not allow this government to do what it did to MTS with Manitoba Hydro.

That is why what we want is this bill to go to the public. We want this government to listen to the public for a change. We want to involve the shareholders of Hydro which are the people of Manitoba.

That is why, Madam Speaker, I move, seconded by the member for Concordia (Mr. Doer), that Bill 55 be not now read but be read a second time this day six months hence.

#### **Motion presented.**

**Mr. Kevin Lamoureux (Inkster):** I was just going to put just a few words on the record prior to its coming to a vote. Madam Speaker, there is a great deal of concern that has been expressed with respect to Manitoba Hydro ever since we have seen what has happened with MTS. I think there is a great deal of concern on Manitobans' part in terms of what the government's actual agenda is with Manitoba Hydro.

The clause that the Leader of the official opposition has made reference to really raises the flag once again in terms of, you know, perception means a lot, and the perception of this government in the issues dealing with the privatization of what Manitobans value is not very positive, because this government seems to be driven from a philosophical point of view of whatever we can privatize—to privatize is to make better. It seems that this has been the approach from the government, and I think they need to revisit some of the discussions that maybe they have had in the past and to be a little bit more open and straightforward with Manitobans in the sense of what their actual intentions are.

I had listened very attentively and in most part I could agree with what the member for Thompson (Mr.

Ashton) was talking about, but once we get on to the bill itself, I am sure I am going to have a few more words to say, especially given the nature of this very important piece of legislation. Suffice to say, I am quite prepared to vote on this this afternoon.

**Hon. James Downey (Minister of Industry, Trade and Tourism):** Madam Speaker, it had not been my intention to speak on this particular bill but, seeing as the opposition has raised a hoist motion or introduced a hoist motion, I feel it is important to put a few comments on the record. What I think it is important to put on the record, particularly as it relates to Manitoba Hydro, is a little bit more of the facts rather than the fictions that we heard from the member for Thompson (Mr. Ashton).

You would think the New Democratic Party was the party of vision that in fact developed the whole hydro system, that developed it. In fact, I am sure the next thing they will do is try to take credit for the fact that Edison was a member of their NDP party when he introduced or invented the electric light bulb. Well, it is unfortunate that there are not very many electric light bulbs of any wattage over there that would light very much.

Madam Speaker, it was the Conservative Party and Duff Roblin that developed the hydro system in this province that we are enjoying today. It was the vision of Duff Roblin that developed not only the hydro but the ditch, the floodway around the city of Winnipeg. It was his long-term vision that developed the power system on the Nelson River.

Yes, I do not deny it was the New Democratic Party that proceeded and carried on with some of the structures. Although, as has been documented, one of the structures was done improperly and in the wrong place in Manitoba. Jenpeg did nothing to complement the province of Manitoba. It did a lot to cause difficulties to many of our native communities, reversed the environmental conditions as it relates to Cross Lake where all they get in the wintertime is slush, ice, and they have got mud flats in the summertime.

That is what the New Democratic Party contributed to the communities of the North. Let them deny that. Let them deny that it was Jenpeg that caused the

difficulties for Cross Lake, that has caused that community so much trouble. In the wintertime, when they should have solid frozen ice, they get water that spills over the ice causing slush ice. They cannot trap. They cannot carry out their normal lifestyle.

\* (1740)

It was the New Democratic Party that built the Jenpeg station, and it should not have been built, and they were told so. But it was, Madam Speaker, a chairman of the board that misled this Legislative Assembly, put improper information forward, and that is what the decision was made to build on.

In the summertime in Cross Lake, when the community should be out doing their normal fishing activities, carrying out what their normal lifestyle is, there is not any water, because it is being held back to run over the dam in the wintertime, and they turn into mud flats. I have been there. That is the kind of vision that the New Democratic Party has.

Madam Speaker, on Limestone, let us take a look at Limestone. Yes, it cost less money than what they projected, but it was a projection that was so far out of line that it was easy to show a billion-dollar saving because it came in so much lower.

I think it is important to put on the record who truly started the hydro system in the North. It was Duff Roblin and the Progressive Conservative Party. The sale to Ontario was negotiated by this party. It was not the Province of Manitoba or me that backed out. It was the people of Ontario. It was the people of Ontario that backed out of the deal, because it was to our advantage, not to their advantage.

So this Premier and this government and our Minister of Energy did a good deal for the people of Manitoba, and it was the people of Ontario that backed out.

Thank you, Madam Speaker. I am pleased to conclude my comments. I do not support the hoist motion, but I do support the bill to go to committee.

**Madam Speaker:** Is the House ready for the question? The question before the House has been moved by the honourable member for Thompson (Mr. Ashton),

seconded by the honourable member for Concordia (Mr. Doer), that Bill 55 be not now read but be read a second time this day six months hence.

#### Voice Vote

**Madam Speaker:** All those in favour of the motion, please say yea.

**Some Honourable Members:** Yea.

**Madam Speaker:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Speaker:** In my opinion, the Nays have it.

**Mr. Steve Ashton (Opposition House Leader):** On division, Madam Speaker.

**Madam Speaker:** On division.

\* \* \*

**Madam Speaker:** The honourable member for Inkster wants to put remarks regarding the bill, right?

**Mr. Lamoureux:** Yes, on the bill. Yes, Madam Speaker, I did want to put a few remarks on the bill itself. As it has been pointed out, we do have some very strong reservations with the intent of this government on this piece of legislation. Even though ultimately we believe that Manitobans will remember what happened with MTS, this government will be held under the microscope because of the passage of this bill with its handling of Manitoba Hydro, and I am sure I am going to have a lot more to say, hopefully, if I get the opportunity during third reading.

**Madam Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 55.

Is it the will of the House to adopt the motion? Agreed?

**Some Honourable Members:** Agreed.

**Madam Speaker:** Agreed and so ordered.

**An Honourable Member:** No.

**Madam Speaker:** No?

#### Voice Vote

**Madam Speaker:** All those in favour of the motion of second reading of Bill 55, please say yea.

**Some Honourable Members:** Yea.

**Madam Speaker:** All those opposed, please say nay.

**Some Honourable Members:** Nay.

**Madam Speaker:** In my opinion, the Yeas have it.

**An Honourable Member:** On division.

**Madam Speaker:** On division.

#### House Business

**Hon. James McCrae (Government House Leader):** If I could have the indulgence of the honourable member for Inkster (Mr. Lamoureux) for one moment, I would like to announce that the Standing Committee on Economic Development will meet at 10 a.m. on Friday, June 13, to consider Bills 2, 18, 20, 25, 28, 40, and 57 and others that may be announced tomorrow.

In addition, there is another matter I wanted to raise with respect to the reporting of the Subcommittee of the Standing Committee on Privileges and Elections and to seek the leave of the House on that matter.

This is a motion that I move, seconded by the honourable member for Burrows (Mr. Martindale), that the deadline—

**Madam Speaker:** Order, please. I wonder if I might deal with the matter of House business and repeat the announcement prior to entertaining further direction from the government House leader.

The Standing Committee on Economic Development will meet 10 a.m. Friday, June 13, to consider Bills 2, 18, 20, 25, 28, 40, and 57.

**Mr. McCrae:** In addition, I might note that Bill 55 just passed would be referred to the Law Amendments committee, which has already been scheduled.

I would like to move, seconded by the honourable member for Burrows (Mr. Martindale), that the deadline for submission of the report of the Subcommittee of the Standing Committee on Privileges and Elections concerning the review of the sections of The Child and Family Services Act pertaining to the Office of the Children's Advocate be extended from June 12, 1997, to June 23, 1997.

I would, I think, need leave to move that motion.

**Madam Speaker:** Does the honourable government House leader have leave? [agreed]

#### Motion agreed to.

**Madam Speaker:** One further announcement: Bill 55 will be referred to the Standing Committee on Law Amendments as previously scheduled.

**Mr. McCrae:** I just thank the honourable member for Inkster. I am sorry to interrupt him.

\* \* \*

**Mr. Lamoureux:** Madam Speaker, yesterday I was commenting on the importance of the Public Utilities Board, and I believe had given good reason for people to believe that the Public Utilities Board has and could have even a larger role in protecting consumers in the future for the province of Manitoba.

The greatest problem with this particular bill is that it is a very serious attempt at trying to deregulate, again, more different forms of utility charges. What we are talking about are issues such as Manitoba Hydro and, once again, Centra Gas, the public insurance, MPIC, that is, water and sewer services, all of which have to go through the Public Utilities Board if and when they want to have any sorts of increases. What we see is that the power that allows them to regulate is being watered down once again, which causes a great deal of concern in terms of ultimately the consumer protection

and the gouging that might ultimately occur as a direct result. That is the primary reason why I have a great deal of concern in terms of even supporting this particular bill.

As I indicated yesterday in speaking to it, I had indicated why I believe the Public Utilities Board was important, but it does have some flaws, and what we should be debating inside this Chamber is not how we weaken the Public Utilities Board's jurisdiction or taking away from the Public Utilities Board, but what we should be talking about is how we might in fact be able to make it that much more independent.

There is no doubt in my mind that the constituents that I represent realize the benefits of having the Utilities Board and will in fact be disappointed with what this government is doing with respect to trying to take more out or limit the scope of the Public Utilities Board, because then it becomes a question of what is next. I think that is in the long term not in the best interests of the consumers or Manitobans as a whole. Thank you, Madam Speaker.

**Madam Speaker:** As previously agreed, this bill will remain standing in the name of the honourable member for Kildonan (Mr. Chomiak).

**Mr. McCrae:** Madam Speaker, would you be so kind as to call Bill 15, please.

\* (1750)

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

**Madam Speaker:** Second reading, Bill 15 (The Government Essential Services Amendment Act; Loi modifiant la Loi sur les services gouvernementaux essentiels), standing in the name of the honourable member for Burrows (Mr. Martindale).

#### **Point of Order**

**Mr. Doug Martindale (Burrows):** On a point of order, Madam Speaker, I was yelling out the wrong bill number. I would really prefer to speak on the bill that I am prepared to speak on, and that is Bill 19. I am sorry.

**Madam Speaker:** Is there leave to permit us to call Bill 19 as opposed to Bill 15? [agreed]

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

**Madam Speaker:** Second reading, Bill 19 (The Human Rights Code Amendment Act; Loi modifiant le Code des droits de la personne), standing in the name of the honourable member for Burrows.

**Mr. Doug Martindale (Burrows):** Madam Speaker, although this is a brief bill, I chose to speak on it anyway, because I believe that by reducing the number of commissioners, what the government is doing is weakening the Human Rights Commission in the province of Manitoba and also sending the wrong message about the importance or, maybe, in their view, the lack of importance of human rights in the province of Manitoba. I believe that human rights is not only something that is important to me but also to our party and has been for many, many years.

For example, in 1942, when the federal government invoked the War Measures Act—I think the minister who is heckling me was probably born in 1942. I thought he was older than that, but I now know how old the Deputy Premier is. But in the year in which the Deputy Premier was born there was a major violation of human rights in that when the War Measures Act was proclaimed it was used to confiscate the property of Japanese-Canadians and to move them to internment camps in the interior of British Columbia and also to Alberta and Manitoba and, I believe, Northern Ontario.

After the war their rights were also taken away. They were not allowed to vote until, I think, 1948, and that history of injustice continued for a long time, or certainly the harsh feelings about that injustice continued for many, many years until there was a public apology by the Government of Canada.

In 1970, the War Measures Act was used again by the federal government but, once again, only against one small group of Canadians, and that was in the province of Quebec, where 400 people were arrested but none went to court and none were charged with anything.

The reason I raise these two examples is that in 1942, the CCF voted against the War Measures Act, and in 1970, the NDP voted against the War Measures Act as well, as did one Conservative, David MacDonald, who, I understand, has undergone a conversion, a political conversion, and now supports the New Democratic Party. I always did think he was a pretty decent red Tory, maybe because he was a decent individual, maybe because he was a United Church minister, or maybe a combination of both.

Getting back to The Human Rights Code Amendment Act, in doing some research in preparation for speaking on this bill, I got out my files on the Manitoba Association of Rights and Liberties, an organization that is often in the news for defending rights and liberties in the province of Manitoba, and they frequently appear before legislative committees and will be during this session, as a matter of fact.

Some of the issues that they have raised are issues that I have been involved with both as a member of the Legislature and working in the community. In 1982, they had a native rights outreach project, a project to fight discrimination, and one of the problems that they investigated was discrimination in the area of housing, and certainly that has been a longstanding problem, particularly for aboriginal people in the city of Winnipeg. I am quite well aware of this problem, because people have shared this problem with me on many occasions, whereby they would phone to inquire about a rental property, they would be told that the property was available and they would make arrangements with the landlord to look at it, and when they got there the landlord would say that it had already been rented.

Well, people do have a remedy under the law. They can file a complaint under the Human Rights Commission, but the problem then and the problem now is that it takes many months to file a human rights complaint and to get a ruling, the result being that people are extremely reluctant to file a complaint because it does not solve their housing problem today. So many people, even though the opportunity is there, are not willing to pursue it.

I remember that there was a public forum on housing at the University of Winnipeg a number of years ago

and I was a participant there, presented a paper for discussion. There was a discussion about discrimination in the area of housing and there was a former employee of a landlord who was present. She said that it was the policy of that private rental agency to deliberately discriminate against aboriginal people and to put them only in certain apartment buildings and to put nonaboriginal people in other apartment buildings. That is the kind of discrimination that we want to wipe out entirely in the city of Winnipeg, and elsewhere, and the only way we can do it is if we have a strong Human Rights Commission, if it is adequately funded, if they have sufficient staff to investigate complaints and to deal with them expeditiously so that people feel that justice is being done. Not only must justice be done, but justice must be seen to be done.

We believe that the Human Rights Commission and the ability for people to file complaints is an important right that people enjoy in the province of Manitoba. We should try to do everything in our power not only to uphold existing rights and to investigate complaints but to broaden the scope so that discrimination in forms that is not covered by the existing act can be improved upon.

This bill eliminates three members of the Human Rights Commission, from 13 to 10, and ensures that three of the 10 appointments expire each year. So I guess one of the concerns that I would have would be that when the commission meets that they may have more difficulty reviewing complaints. The Human Rights Commission Annual Report for 1995 says that the board of commissioners establishes the policies which determine the manner in which the professional staff administer the programs and activities of the agency. It is also the function of the board to determine the appropriate disposition of all complaints and to issue binding advisory opinions.

I am also told that there have been budget cuts at the Human Rights Commission. In responding to the question on the 1996 cuts to the Human Rights Commission, the Minister of Justice said: "The member I am sure will realize that what was preserved was the Human Rights commissioners, those people who actually deal with the issues of human rights complaints. We believe that was a very important area to preserve." The date of that quote is April 15, 1996.

So even over a year ago, the minister was defending the act and saying that in spite of the cuts, we have kept the same number of commissioners and that was very important. A year later, we are cutting, not we, the government is cutting the number of commissioners.

The appointments of five of the current, as of December 31, 1996, 13 commissioners expire in 1997, and it is likely that the government will try to justify the elimination of the commissioners saying that it will expedite resolution of the claims and bring the number of commissioners more in line with other jurisdictions. There has recently been more of an emphasis placed on mediation for resolution of claims, but I think that anything that is done to reduce the number of commissioners sends the wrong message to Manitobans and particularly to people who might want to make use

of the commission by filing a claim. Certainly, I have suggested to my constituents that they should use the right they have to file a complaint and that people should take advantage of the existing rights that they have as citizens of this province.

So we want to continue the Human Rights Commission and to keep the number of commissioners because to make changes suggests that it is not important to the government.

**Madam Speaker:** Order, please. When this matter is again before the House, the honourable member for Burrows will have 31 minutes remaining.

The hour being 6 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Thursday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 11, 1997

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