



Third Session - Thirty-Sixth Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

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



Vol. XLVII No. 64B - 1:30 p.m., Thursday, June 19, 1997

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

Thursday, June 19, 1997

The House met at 1:30 p.m.

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Obstetrics Closure—Grace General Hospital

Mr. Conrad Santos (Broadway): Madam Speaker, I beg to present the petition of Rita Wiebe, Margaret Klatt, Angela Hoepfner and others praying that the Legislative Assembly request that the Minister of Health (Mr. Praznik) consider stopping the closure of the obstetrics program at Winnipeg's Grace Hospital.

Mr. George Hickes (Point Douglas): I beg to present the petition of D. Romaniuk, Mark Harris, George Sykes and others praying that the Legislative Assembly request that the Minister of Health (Mr. Praznik) consider stopping the closure of the obstetrics program at Winnipeg's Grace Hospital.

Mobile Screening Unit for Mammograms

Ms. Rosann Wowchuk (Swan River): I beg to present the petition of Phil Delorme, Trina Wittmeier, Donald Graham 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.

Obstetrics Closure—Grace General Hospital

Ms. MaryAnn Mihychuk (St. James): Madam Speaker, I beg to present the petition of Maryanne Romaniuk, Brenda Beck, Julie Harris and others praying that the Legislative Assembly request the Minister of Health (Mr. Praznik) consider stopping the closure of the obstetrics program at Winnipeg's Grace Hospital.

READING AND RECEIVING PETITIONS

Mobile Screening Unit for Mammograms

Madam Speaker: I have reviewed the petition of the honourable member for Swan River (Ms. Wowchuk).

It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: 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.

**PRESENTING REPORTS BY
STANDING AND SPECIAL COMMITTEES**

**Standing Committee on Law Amendments
Fourth Report**

Mr. Jack Penner (Chairperson of the Standing Committee on Law Amendments): I would like to present the Fourth Report of the Committee on Law Amendments.

Madam Speaker: Dispense.

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

Your committee met on Tuesday June 17, 1997, at 7 p.m. in Room 255 of the Legislative Building to consider bills referred.

At that meeting your committee elected Mr. Tweed as Vice-Chairperson.

Your committee heard representation on bills as follows:

Bill 9—The Public Utilities Board Amendment Act; Loi modifiant la Loi sur la Régie des services publics

Mark O'Neill - Centra Gas Manitoba Inc.

Written Submissions:

Richard R. Perdue - CENGAS

Peter Budd - Bennett Jones Verchere

Bill 14—The Pension Benefits Amendment Act; Loi modifiant la Loi sur les prestations de pension

John Doyle - Manitoba Federation of Labour

Bill 30—The Farm Practices Protection Amendment Act; Loi modifiant la Loi sur la protection des pratiques agricoles

Dr. Jim Shapiro - St. Germain-Vermette Community Association

Your committee has considered:

Bill 5—The Mineral Exploration Incentive Program Repeal Act; Loi abrogeant la Loi sur le programme d'encouragement à l'exploration minière

Bill 14—The Pension Benefits Amendment Act; Loi modifiant la Loi sur les prestations de pension

Bill 17—The Retail Businesses Holiday Closing Amendment Act; Loi modifiant la Loi sur les jours fériés dans le commerce de détail

Bill 30—The Farm Practices Protection Amendment Act; Loi modifiant la Loi sur la protection des pratiques agricoles

and has agreed to report the same without amendment.

Your committee has considered:

Bill 9—The Public Utilities Board Amendment Act; Loi modifiant la Loi sur la Régie des services publics

and has agreed on a counted vote of 6 Yeas, 4 Nays to report the same without amendment.

Mr. Penner: I move, seconded by the honourable member for Steinbach (Mr. Driedger), that the report of the committee be received.

Motion agreed to.

TABLING OF REPORTS

Hon. Leonard Derkach (Minister of Rural Development): Madam Speaker, I would like to table the 1996 Annual Report for the Manitoba Municipal Employees Benefits Board.

Introduction of Guests

Madam Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members, firstly, to the Speaker's Gallery where we have with us today Mr. Satish Roopa, a member of the Executive Council responsible for safety and security and public service transformation, northwest province, South Africa. Mr. Roopa is accompanied by Mr. Logan Naidu, Mr. Hamlet Morule and Ms. Charlene Grobbelaar.

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

Also seated in the public gallery this afternoon, we have sixty-two Grade 5 students from Whyte Ridge Elementary School. This school is located in the constituency of the honourable Minister of Culture, Heritage and Citizenship (Mrs. Vodrey).

Also, twenty-three Grade 5 students from Immaculate Heart of Mary School under the direction of Mrs. Debbie Wittevrangel. This school is located in the constituency of the honourable member for Burrows (Mr. Martindale).

Also, 11 English as a Second Language students from the University of Winnipeg under the direction of Mrs. Shannon MacFarlane. This school is located in the constituency of the honourable member for Wolseley (Ms. Friesen).

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

ORAL QUESTION PERIOD

Water Quantity Survey Agreement Funding

Mr. Gary Doer (Leader of the Opposition): Madam Speaker, in 1975, there was a co-operative memorandum of agreement between the federal and provincial governments dealing with the water quality in surveys in the province of Manitoba.

In 1994, the provincial government cut some 43 percent of their share of that funding. In 1995, the federal government carried on with about a 70 percent cut in the funding to that program. I have asked the government and the Premier before, will they be reinstating their cut to this program as a way of showing leadership to the federal government, to reinstate their cut so Manitobans can return to the days of proper monitoring and forecasting which obviously we need in this province?

* (1335)

Hon. Glen Cummings (Minister of Natural Resources): Madam Speaker, conveniently the Leader

of the Opposition leaves out a little bit of the original history in this agreement, and that is that, originally, on behalf all jurisdictions, the federal government was the lead authority on providing water quantity monitoring.

Yes, there has been a devolution of some of the responsibility, and agreements were struck between the province and the federal authorities. We have, as I have stated in the House before, an agreement from the federal government that they are interested in renegotiating and backing away from the position that they said that there were going to be additional reductions, and, as I have stated on numerous occasions, a loss of ability, any additional loss of ability to monitor and prepare proper information in this area is simply not in question. We will make sure it is done.

Mr. Doer: Of course, the federal government is pointing fingers at the provincial government. The provincial government is pointing fingers at the federal government, and both jurisdictions have cut money out of the federal-provincial co-operative agreement.

Madam Speaker, Professor Doering today stated that one gauge at Grand Forks failed and that, of course, led to the devastation in terms of their lack of preparation for a peak that was obviously 3 feet higher than they forecasted. Obviously, there were a lot of other factors besides one gauge that would lead to this.

I would like to ask the government, will they not admit that they were wrong to cut their portion out of the 1975 agreement and take a leadership role to reinstate the funding for this agreement and take the federal government to task for their cutbacks as well?

Mr. Cummings: Madam Speaker, I think there is an implication in the question, the way it has been asked, that somehow there has been a loss of forecasting capability in this province, and that is simply not true. The truth of the matter is that there have been ways of rationalizing the monitoring system, and there is quite a difference between the capability that we need for forecasting surface water quantity and the capability that we need to deal with the quantities in aquifers and forecasting usage in aquifers.

In some respects, we are mixing and matching apples and oranges when we use the gross figures, because in

fact we have a pretty good working arrangement with the federal authorities. I think they have realized that what they were considering in terms of reduction on the MOU, where the discussions evolved last fall, prior to Christmas—they are quite prepared to work cooperatively with us to make sure that we have the capability. Remember that there was no question about the capability to gather information for the most recent flood event.

Mr. Doer: Madam Speaker, of course the minister will note that the federal cuts are scheduled to take place on August 1, 1997, and will impact, in combination with the provincial reductions, on monitoring and forecasting for the next year. It is almost rather ironic that the provincial and federal governments could cooperate in an infrastructure fountain behind here that would probably cost a lot more than this federal-provincial agreement that has been cut back by the Conservative government and by the federal government.

Will you be taking a lead role, instead of blaming each other, in reinstating our cuts and forcing the federal government to reinstate their cuts so Manitobans will have proper monitoring and forecasting for 1998?

* (1340)

Hon. Gary Filmon (Premier): Madam Speaker, I want to reiterate the point that the Minister of Natural Resources has made, that nobody is suggesting that any of the changes that have been made in the budget by the provincial government resulted in a lack of forecasting capability. The member opposite is correct in saying that, if the federal government goes forward with its intended reductions, there would be a reduction in forecasting ability. That has been pointed out by Professor Doering. It has been pointed out by Larry Whitney as the person responsible for the provincial monitoring system and flood forecasting and management.

In the course of that, Mr. Axworthy, on CBC Radio during the course of the flood, Wednesday, April 30, was asked that question, whether or not the federal government would take another look at the cuts that were intended because of their impact on our ability to

manage a flood such as the one we had this year and to do proper forecasting. He said, and I quote: Well, I think it is a legitimate concern. I think, you know, there have been cuts on both sides. I think the province has also made some reductions in its own area, but I told a CBC reporter earlier this morning that, if that is the case—and I will be speaking to Ms. McLellan, our Minister of Natural Resources, and ensure that we would change that position because I think we cannot allow anything to be taken that would in any way minimize the ability to deal with the future flood problem. So I can give you some assurance on that.

That was his direct quote. We will work cooperatively with the federal government because, as the minister has indicated, we will not do anything on our part that will limit our ability to have the proper flood forecasting capability, and we want the federal government to do the same thing.

Prostitution Vehicle Seizures

Mr. Gord Mackintosh (St. Johns): Madam Speaker, to the Premier (Mr. Filmon). I am looking at headlines from the last election campaign in this province: No wheels for johns, PCS say. Here is another one: Filmon targets pimps, drug dealers, get-tough stand just got a whole lot tougher. They are going to seize and require the forfeiture, the confiscation of the vehicles of johns. Here is another one: Filmon car grab rapped. He will give police the power to confiscate the car. Another one: Promising Premier.

My question to the Premier: I am also looking now at the traffic amendment act, which sets forth the government's new position on prostitution, and I ask the Premier: Will he admit that the election promise that he made at the Remand Centre and before all those lights and cameras was fraudulent? Why is he breaking his election promise to confiscate the vehicles of johns?

Point of Order

Hon. James McCrae (Government House Leader): To use the words of the honourable member for Thompson (Mr. Ashton), Beauchesne is very clear with respect to certain language we are not supposed to use in this place. I think the word "fraudulent," no matter

which list it falls under, in the context used today by the honourable member ought to be disallowed.

Madam Speaker: The honourable member for Thompson, on the same point of order.

Mr. Steve Ashton (Opposition House Leader): Madam Speaker, the word "fraudulent" does indeed appear in Beuchesne. It only appears once, and it is on the list of parliamentary terms listed in Beuchesne Citation 490. So "fraudulent"—in fact, it is on page 148 and was ruled to be in order in the House of Commons, November 9, 1964, page 9880 of the House of Commons Hansard. So not only is it a term that is appropriate to this question, it is in order.

Madam Speaker: On the point of order raised by the government House leader, with the advice from the Clerk of the Assembly, indeed, "fraud" has been ruled out of order; "fraudulent character" has been ruled out of order; "fraudulent" which stands alone has been ruled parliamentary, but I would take the matter under advisement to check the context within which the honourable member for St. Johns (Mr. Mackintosh) used the word.

* * *

* (1345)

Hon. Vic Toews (Minister of Justice and Attorney General): Madam Speaker, the issue of prostitution, and the associated social evils that go with it, has been a matter that has been of much concern to this government, beginning with the position that our government took at the time of the election.

We have had occasion to discuss this matter in some detail with the police. It was as a result of the discussions with the police, who made certain suggestions in respect of the direction that we should be moving in, we are introducing the bill that we see today. The bill is, in fact, one which will allow a motor vehicle to be seized, but there are some intermediary steps that the police thought would be more effective in dealing with this particular problem, and we want to listen to people when we pass legislation.

Mr. Mackintosh: To the Premier (Mr. Filmon), who made this promise and got mileage on this during the

election, I ask him: Will he not admit that the Conservative response to prostitution is merely a temporary licence suspension only if a john does not show up for a john school for one day as an alternative to court?

Mr. Steve Ashton (Thompson): Well, that is pretty tough.

Mr. Toews: You know, Madam Speaker, I hear the member for Thompson saying that is pretty tough. Well, the question is not whether it is a question of being tough. It is a question of being effective, and we believe this is an effective program consistent with what was indicated at the time of the election.

Mr. Mackintosh: Well, then, to the Justice minister I ask this: Would the minister, who was too embarrassed to even mention that the traffic amendment act contained this provision, too embarrassed because it showed what a fraudulent exercise their election campaign was in this regard—I ask the minister how it was that on talk radio on February 21, he himself said to Manitobans, and I quote, we gave an election promise that is on prostitution, and I intend to fulfill that.

How does he justify that?

Mr. Toews: Madam Speaker, there are a number of aspects that need to be considered in respect to that. Number one is that the people primarily responsible for the criminal law in our federation is the federal government, and we are continuously discussing with them to take further steps. What we are doing within the extent of our constitutional authority is to pass a law which we believe will be effective in reducing this problem. For this member to stand up and talk about fraud, who takes a Department of Health paper on sniffing and then passes it off as his own, full of flaws, constitutional flaws, and then attempts to come here to this House—

Madam Speaker: Order, please.

Point of Order

Mr. Steve Ashton (Opposition House Leader): Citation 417 is very specific that "Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate." I would ask

you to perhaps review what the minister just said. He was asked a question about this government's campaign promises in terms of prostitution, and he was now getting into some personal attack on the anti-sniff bill, which the member for St. Johns brought in in this House based on community pressure and support.

So I would like to ask you to have the member not only withdraw those comments but stick to the question that was asked about the fraudulent election campaign promises put forward by this government.

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

* (1350)

Mr. Toews: The member for St. Johns comes into this House making all kinds of aspersions as to character—[interjection] I am dealing on the point of order. Are you the Speaker?

He indicates, you know, that he comes to this House with clean hands. I want to make sure that we, in fact, are carrying out our promise. Perhaps he should be looking at his own actions in respect of what he is doing.

Madam Speaker: On the point of order raised by the honourable member for Thompson (Mr. Ashton), indeed I would agree that the honourable Minister of Labour was veering away in his response from the question asked, and I would ask him to keep his comments relevant to the question asked.

* * *

Mr. Toews: I would indicate that I am the Minister of Justice, not the Minister of Labour. I would not want any aspersions cast on my colleague from Minnedosa.

Madam Speaker: I thank the honourable Minister of Justice, and I apologize to the honourable Minister of Labour (Mr. Gilleshammer).

Bill 50 Public Consultations

Ms. Diane McGifford (Osborne): Madam Speaker, earlier today a diverse coalition of citizens' groups,

including the Manitoba Library Association, the Provincial Council of Women, the Winnipeg Council of Women, the Taxpayers Association, the Canadian Association of Journalists and the Manitoba Association for Rights and Liberties unanimously condemned Bill 50 and its restrictions on freedom of information and demanded that legislative action on this bill be suspended until genuine public consultations can take place. They were demanding an end to the secrecy and arrogance surrounding this process, the process behind Bill 50.

Madam Speaker: Order, please. I am sure the honourable member has a question.

The honourable member, to pose the question now.

Ms. McGifford: Madam Speaker, the Minister of Justice (Mr. Toews) has assured us that his government is anxious to listen—

Madam Speaker: Order, please.

Ms. McGifford: I want to ask the Minister of Culture, Heritage and Citizenship (Mrs. Vodrey), who yesterday rejected our hoist motion, if she will now accede to the demands of Manitobans, do the honourable thing and conduct open, public consultations?

Hon. Rosemary Vodrey (Minister of Culture, Heritage and Citizenship): Madam Speaker, the bill, Bill 50, which the member references before this House, is what this government believes to be a very good balance, a very good balance between the access provisions which in fact are very, very similar, very close to the former FOI act, and they do finally introduce for the people of Manitoba legislation to protect their privacy. This bill was developed in consultation with Manitoba. My colleague the former Minister of Culture, Heritage and Citizenship, now the Minister of Labour (Mr. Gilleshammer), put forward a discussion paper. There were comments, and based on comments, based on a review of the act and based on a review of legislation across Canada, we have put forward what we believe to be an extremely good balance for protecting the privacy of Manitobans but also to ensure that there is access to information.

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

Ms. McGifford: Apparently members of the public disagree.

Madam Speaker: Order, please.

Postponement

Ms. Diane McGifford (Osborne): Will the minister—who knows that tabling a major complex bill on the 5th of June, reading it on the 10th, while the government is pushing to close down the House, is deliberate issue management in seizing control—explain why she is in such a hurry with this bill? Why is she in such a hurry to pass the most secretive and restrictive—

Madam Speaker: Order, please. The question has been put.

* (1355)

Hon. Rosemary Vodrey (Minister of Culture, Heritage and Citizenship): Madam Speaker, the member knows certainly that the end of the House tends to rest on how bills do move forward and what the debate is, so the member is wrong. She is also wrong in terms of her characterization of the legislation and, in fact, quite wrong.

In terms of the new act, I can tell the member that this new act, the principles of The Freedom of Information Act basically do remain in place. The new act has all of the existing rights of access by any person, the right to any record held by a public body in Manitoba subject to the prescribed exceptions in the act, similar to the FOI, the right to correct personal information about themselves, the right to correct personal information about themselves and to an independent review of an access decision. On the access side, the changes were to assist in clarification, particularly towards a third person. That is not secrecy. However, the people of Manitoba have every right to expect that the personal information held in trust on their behalf should be protected by legislation, and that is what the privacy section of this act does.

Madam Speaker: The honourable member for Osborne, with a final supplementary question.

Ms. McGifford: Then, Madam Speaker, I ask this minister if she would provide the public with the same opportunity as did her colleague the Minister of Health (Mr. Praznik) and therefore delay this legislation, rerelease the legislation as a white paper for all eyes to see, recognizing that freedom of information and privacy protection are essential elements in the democratic right of free speech.

Mrs. Vodrey: Madam Speaker, I am not sure what the member is alluding to in terms of my colleague the Minister of Health, who did not release his bill as a discussion paper following—he did not do that.

What we have done is go to the people of Manitoba in the development of this bill, as I said. In addition, we also looked at our experience with the FOI, and we also looked at other provinces across Canada. There is now a process that has been in place in this House, which is a committee stage for this bill. This bill has now been before the people of Manitoba in the usual way, and their comments I look forward to hearing when this bill comes to the committee.

If the member had wanted things to be as they were last year, she can only look to her party, who, when those rules were in place, destroyed those rules in November of this year, and that is why we are operating on the time frame and the process we are now.

Regional Health Authorities Residency Requirements

Mr. Dave Chomiak (Kildonan): Madam Speaker, when the minister introduced the regional health boards, the Minister of Health said, and I quote: By allowing people who live within a particular region to determine what services are required and the best way to deliver these services to the people of that region, I am confident we will be able to provide the best health care system.

We know that, if you are out of the province for several months on your own business, you can get on a regional board. We know if you play golf with the Premier and give consulting contracts, you can get on

a regional board. We know if you are a Tory, you can be on a regional board, but if you are an aboriginal woman, you cannot. My question is, can the minister clarify what the residency requirements are with respect to appointment to the regional health boards?

Hon. Darren Praznik (Minister of Health): Madam Speaker, in most cases the members of those boards are residents of the particular health region. There are exceptions to that. Some of those exceptions are where individuals are representing another health board in terms of a board. I think of the South Westman and Marquette regions in Brandon. I also think of people who are appointments or nominations from various facilities, for example, in Winnipeg, who have a big involvement in the health care delivery system in Winnipeg but whose residence might actually be outside of the boundary of the city.

Mr. Chomiak: Can the minister explain how it is that one Mike Ogborn, president of the OmniTRAX corporation that has not even negotiated a deal to take over the area, who lives full time in Denver, who is a United States resident, how it is that this individual would become appointed to the Churchill Regional Health Board in front of all of the other people and residents of Churchill? How does that happen?

* (1400)

Mr. Praznik: If the members of the New Democratic Party, who claim to represent northern Manitoba, would spend some time talking with the Churchill Health Board, they would quickly have learned that that individual was suggested, in fact nominated by the Churchill Health Board and the reason, if they spent some time with the Churchill Health Board, is—they would discover, of all of our regional health authorities, in fact the most unique. They are the only one of their category. Churchill, as a community by itself and its size, does not justify its own health board, but because it has a health centre that services many northern communities outside of the Churchill area and if in fact did not have those people coming and using Churchill, it would not exist, and so very much the regional—[interjection] If members opposite would do me the courtesy to listen to my answer, they would demonstrate themselves to be parliamentarians. The fact of the matter—

Madam Speaker: Order, please. The honourable Minister of Health, to quickly complete his response.

Mr. Praznik: The fact of the matter is that this health region for Churchill is very much a matter of the economic development of that community to be a centre for health, and not only is that individual who represents the major transportation link, a ground transportation link—but there are also members from the Northwest Territories and Winnipeg who have been recruited by the Churchill board. Members opposite should have a discussion with them if they do not like their recommendations.

Mr. Chomiak: Madam Speaker, despite all of the minister's rationalizations in an attempt to justify this, does the minister not recognize what message a government that refuses to listen to a report that recommends electing boards and appoints their own Tory people to boards, appoints an American who is operating the railway station who is a resident of the United States to be on the board of the Churchill region—does he not recognize what impact that might have on aboriginal people and women who feel discriminated against because they are not on boards and the people of Manitoba who have no representation on the board? That is wrong.

Mr. Praznik: Madam Speaker, the member for Kildonan and his colleagues are very brave in this Assembly today. It is easy to criticize the people in Churchill who are struggling to build—

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. I would remind all honourable members that the rules are very clear. If a member wishes to be recognized, he or she stands, and once they have been recognized by the Speaker, the mike is open so the comments can be put on the record. Now, if the honourable member for Kildonan wishes to make a point of order, would he please rise and then be recognized, because his comments were not on the record?

Point of Order

Mr. Steve Ashton (Opposition House Leader): A further point of order. I am wondering if you could

perhaps advise the Minister of Health that he should take his seat during that period, too, because one of the difficulties was that the Minister of Health stood there when, indeed, the member had risen on a point of order and sought to be recognized. Perhaps if the Minister of Health would follow the rules, too, and sit, Madam Speaker, when you are attempting to recognize someone, that might also be of assistance.

Madam Speaker: The point raised by the honourable member for Thompson is indeed accurate. I would remind all honourable members, when the Speaker stands to maintain order, those that were previously recognized should sit until order has been maintained, and they will be rerecognized.

* * *

Madam Speaker: The honourable member for Kildonan.

Mr. Chomiak: Yes, thank you, Madam Speaker.

Point of Order

Mr. Praznik: Point of order, Madam Speaker. I believe I am still attempting to answer the question, unless the member is being recognized on a point of order.

Madam Speaker: That is what I am attempting to establish.

Point of Order

Mr. Chomiak: On a point of order, Madam Speaker, I think Beauchesne's indicates the member ought to answer the question that was posed. The minister was refusing to take any responsibility, as is the arrogance of this government, for any of their appointments and in fact was trying to blame the people of Churchill and members of this side of the House for their own irresponsibility, and the minister ought to be admonished to answer the question directly asked.

The question is: Why have you rejected the—I will repeat it for the minister, because he may have trouble. Why did you reject the recommendations of your own committee, and why did you go against all of the

women and aboriginal people of Manitoba, who feel that they have been ruled out, and appoint an American based in the United States—

Madam Speaker: Order, please.

Mr. Chomiak: —to be on the Churchill board?

Madam Speaker: Order, please. The honourable member for Kildonan did not have a point of order.

Point of Order

Hon. James McCrae (Government House Leader): A new point of order then. I think that if all honourable members were to pause just for a moment and reflect on the way things are going today and just paused a moment longer, I think what we could achieve would be an answer, albeit perhaps not the answer the honourable member for Kildonan might like to force out of the Minister of Health, and we can also get the questions properly on the record, too. It would be my plea, through you, Madam Speaker, to all honourable members. I know it is late in the month of June, and it is getting warmer out and everything like that, but you know—and a little warmer in here, too—I think if we cooled it down, we could probably get these questions properly asked and properly answered.

Madam Speaker: The honourable government House leader did not have a legitimate point of order; however, I appreciate his advice, and I would sincerely hope that all members would take the comments seriously.

* * *

* (1410)

Mr. Praznik: Madam Speaker, I take responsibility for the appointments that I have made. I also respect those who provided those nominations from Churchill.

The member for Kildonan (Mr. Chomiak) and his colleagues are so brave today in the House—so brave. I am going to invite the member for Kildonan to join me in July when I go to Churchill to attend their annual meeting, and I am going to invite him to come with the same bravado and say to the people of Churchill, who

are attempting to build a regional health authority that will serve the North and be an economic benefit to Churchill—to make his argument. I invite him today, if he is brave enough to join me on that trip.

Tender Process On-line Bidding System

Mr. Kevin Lamoureux (Inkster): Madam Speaker, my question is for the Premier. Once again we are starting to question this government's attempts to try to go through a tendering process. It was highlighted through the questioning of the member for St. James (Ms. Mihychuk) with respect to the \$50-million contract.

The government has talked highly about computer technology and OBS. We have had departments like the Department of Education that has completely ignored the OBS system.

My question is: Why would the government not tender through programs such as OBS that will ensure that there is a fair opportunity for not only Manitobans but people from across Canada to participate in the tendering process?

Hon. Gary Filmon (Premier): I am not sure what the issue is that the member is referring to. We do support and we did implement OBS.

Mr. Lamoureux: Madam Speaker, if the Premier is correct in his assertion, then I ask the Minister of Education: Why did you not tender one contract under OBS?

Hon. Linda McIntosh (Minister of Education and Training): Madam Speaker, you know, I have been listening to what the government House leader said and I just would love to have the House, for a moment, pause and celebrate some of the great things that are happening, like what happened at noon today with the scholar athletic awards and all the wonderful achievements happening through education in the government.

I will take his question as notice and get the details for him, but I think we have so many things to celebrate, and maybe we should be positive just for one

day of the session to celebrate the good things that are happening in Manitoba.

Mr. Lamoureux: Madam Speaker, what an amazing answer from the Minister of Education. It never ceases to amaze me.

MERX System

Mr. Kevin Lamoureux (Inkster): My question to the Premier, seeing as the Minister of Education does not know how to answer a question, is, quite frankly: Will the Premier issue a directive to the departments that it is not acceptable and all contracts over \$5,000 should be registered for MERX, which has replaced the on-line bidding system, so that all Manitobans will have an opportunity to put in a bid on contracts? Will the Premier give that directive today?

Hon. Gary Filmon (Premier): Madam Speaker, you know, I was once advised by an old friend of mine, Magnus Eliason, who happens to be a New Democrat, when we were city councillors together, that I should never judge an idea by the person who puts it forward. I see the idea being put forward and the suggestion by the member for Inkster as being a good one, and I certainly am committed to OBS, now MERX system. I will take the advice of the member for Inkster and ensure that all of our departments are reminded that we are committed to that form of open tendering and certainly will carry on from there.

I would suggest to him, however, just in closing, that he might want to take that suggestion to his colleagues in the federal government who gave his leader a very lucrative tender in the millions of dollars that was not done on an OBS basis, to my knowledge.

Point of Order

Mr. Lamoureux: Madam Speaker, on a point of order. Beausnes is, indeed, fairly clear. An answer should be short, concise, answer the question.

I was really impressed with the Premier (Mr. Filmon). He answered the question, and then he started to go on some sort of a diatribe. It starts to take away from the essence of his original answer. I think that maybe the Premier should reflect on that and maybe just be quiet

and leave the first part of his answer as being a full and complete answer.

Madam Speaker: Order, please. The honourable member for Inkster does not have a point of order.

The Dominion Company Contract

Ms. MaryAnn Mihychuk (St. James): First of all, I would like to congratulate the Minister responsible for Lotteries (Mr. Stefanson) for his very—

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. The honourable member for St. James, to pose her question.

Ms. Mihychuk: Madam Speaker, I have not finished my preamble. I just got started.

Madam Speaker, just yesterday the minister announced that he was reversing his decision and allowing for an open public tender which we called on him to do. For that, he deserves congratulations. For the rest of his gaming policy, I condemn him. He misled. He has misled the public in terms of the Gaming Commission.

Some Honourable Members: Oh, oh.

Madam Speaker: Order, please. I am sure the honourable member for St. James is ready to pose her question now.

Ms. Mihychuk: Madam Speaker, the minister and this government have misled the public about the moratorium, misled the public over the role of the Gaming Control Commission and tried to mislead the public about the new additions on the two casinos.

My question to the minister: Will the minister tell the House how much money was awarded to Dominion Construction since 1991, and will he table that?

* (1420)

Hon. Eric Stefanson (Minister charged with the administration of The Manitoba Lotteries

Corporation Act): I certainly thank the member for St. James for the first part of her preamble, which was very complimentary. The issue of Dominion Construction, back in 1991 there was a public tendering process to determine project managers for the development of the facility on McPhillips and the facility on Regent Avenue. The original cost of those was about \$15 million for the raw structure, the building component of it. Since then, there have been additional renovations. Obviously, equipment has been installed, and so on. Throughout the time from '91 to '96, Dominion Construction have in fact been the project managers for those housekeeping kinds of projects.

In terms of the specific compensation to Dominion Construction for that period from 1991 right through till 1996, I will undertake to provide that information. I do want to tell the member that normally on construction projects, project managers' fees are generally about 2 to 3 percent of the total cost of the project, as a rule of thumb, but I will undertake to provide this specific information.

Contract Tabling Request

Ms. MaryAnn Mihychuk (St. James): Will the minister table the contract with Dominion Construction, the full details of when it was issued, what other firms were invited and who else had a chance to bid? Because we understand that perhaps all firms did not get a fair chance at that time—so make it opener.

Hon. Eric Stefanson (Minister charged with the administration of The Manitoba Lotteries Corporation Act): Madam Speaker, going back to the original award of the contract back in 1991, I believe the request for proposal was sent to 10 firms here in Manitoba. I believe nine of them responded to the proposal call. Dominion Construction, I believe, was the best on the culmination, again, which is always the case on quality service and price. So there were 10 firms that received the opportunity to bid on that work back in 1991.

The member has asked for copies of contracts. Provided there are no issues around third-party confidentiality and those kinds of issues in terms of

protecting third parties, Madam Speaker, I will look into that issue and undertake, if possible, to provide that information.

Government Contracts Companies of Record

Ms. MaryAnn Mihychuk (St. James): My final question. Can the minister tell this House how many other perpetual contracts are in place, which the minister says is commonplace in the government now? How many perpetual contracts are there, and who are these firms that have this firms of record by this government?

Hon. Eric Stefanson (Minister charged with the administration of The Manitoba Lotteries Corporation Act): Madam Speaker, it is not uncommon in the private or the public sector to have agents of record that provide services in a whole range of areas, whether it is engineering services or architectural services or project management. Of course, similarly in areas like professional accounting, legal services and all kinds of areas that you have firms that provide you services on an ongoing basis, so that is not an uncommon practice either in government or certainly in the private sector.

Madam Speaker: Time for Oral Questions has expired.

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 Privileges and Elections be amended as follows: Radisson (Ms. Cerilli) for Wellington (Ms. Barrett), for Thursday, June 19, 1997 for 3 p.m.

I move, seconded by the member for Broadway (Mr. Santos), that the composition of the Standing Committee on Economic Development be amended as follows: Radisson (Ms. Cerilli) for Wellington (Ms. Barrett); Crescentwood (Mr. Sale) for St. Johns (Mr. Mackintosh), for Friday, June 20, 1997 for 10 a.m.

Motions agreed to.

Mr. Edward Helwer (Gimli): I move, seconded by the member for Pembina (Mr. Dyck), that the composition of the Standing Committee on Economic Development be amended as follows: Turtle Mountain (Mr. Tweed) for Pembina (Mr. Dyck); Minnedosa (Mr. Gilleshammer) for Morris (Mr. Pitura); Riel (Mr. Newman) for River Heights (Mr. Radcliffe); and St. Vital (Mrs. Render) for Rossmere (Mr. Toews).

Motion agreed to.

ORDERS OF THE DAY

House Business

Hon. James McCrae (Government House Leader): Madam Speaker, there are a number of matters of House business to be dealt with this afternoon. First, I would like to request leave of the House to move, seconded by the honourable Minister of Culture, Heritage and Citizenship (Mrs. Vodrey), that in the case of all bills referred to committees of this House during the present session and proceeding to enactment, Legislative Counsel be given the authority to take the following steps at any point before publication of the acts: (a) change all section numbers and internal references necessary to give effect to amendments to bills adopted by this House and its committees; and (b) make editorial changes in bills that in no way alter the intended legal meaning but are necessary to correct errors in spelling, numbering, cross-referencing and capitalization and to correct punctuation and formatting that is not consistent with Manitoba style; that the Legislative Counsel be required to mark all changes made pursuant to this authority in red ink in the affected blue bills as soon as possible after the end of the session.

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

Motion presented.

Mr. Steve Ashton (Opposition House Leader): Madam Speaker, there may be some problems with the wording on this, not on the intent. I am wondering if the minister would, perhaps, consider withdrawing it, or I suppose I could adjourn this matter just to deal with

the wording. There is no problem with the intent, but there have been some problems with the wording.

Mr. McCrae: Just move adjournment, and the debate will come back.

Mr. Ashton: Perhaps, what I will do is move, seconded by the member for Kildonan (Mr. Chomiak), that debate be adjourned.

Motion agreed to.

Mr. McCrae: Madam Speaker, I wish to announce that, in addition to the bills already scheduled for consideration by the Standing Committee on Economic Development on Tuesday, June 24, at 10 a.m., which are Bills 44 and 53, the committee will also consider the following bills: 12, 36 and 59.

Madam Speaker: To reiterate the announcement made by the government House leader, that in addition to the bills already scheduled for consideration by the Economic Development committee on Tuesday, June 24, at 10 a.m., which previously had been identified as Bills 44 and 53, the following bills will also be considered: Bill 12, Bill 36 and Bill 59.

Mr. McCrae: I wish to announce that, in addition to the bills already scheduled for consideration by the Standing Committee on Economic Development on Friday, June 20, at 10 a.m., which are Bills 16 and 39, the committee will also consider the following bills: 15 and 32.

* (1430)

Madam Speaker: To repeat the announcement by the honourable government House leader, in addition to the bills already scheduled for consideration by the Economic Development committee scheduled for Friday, June 20, at 10 a.m. to which Bills 16 and 39 were referred, the committee will also consider the following bills: Bills 15 and 32.

Mr. McCrae: Madam Speaker, yesterday in the House I announced a number of things, including an evening sitting on Monday at seven o'clock next week. In addition to that, sittings of two standing committees,

those being Economic Development and Law Amendments.

In order for those committees to sit on Monday at 7 p.m., at the same time the House will be sitting at 7 p.m., we would require the leave of the House for that to happen. So I request that now.

Madam Speaker: Is there leave to permit the two standing committees to sit concurrently with the Chamber on Monday evening at 7 p.m. as previously announced by the government House leader? [agreed]

Mr. McCrae: Madam Speaker, I understand there is a will to waive private members' hour today.

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

Mr. McCrae: Madam Speaker, would you be so kind as to call second reading debate on the following bills: Bill 48, 46, 58, 50, 51, 11, 42, 43, 45, 52 and 61.

DEBATE ON SECOND READINGS

Bill 48—The Child and Family Services Amendment and Consequential Amendments Act

Madam Speaker: To resume second reading debate on the proposed motion of the honourable Minister of Family Services (Mrs. Mitchelson), Bill 48, The Child and Family Services Amendment and Consequential Amendments Act (Loi modifiant la Loi sur les services à l'enfant et à la famille et modifications corrélatives), standing in the name of the honourable member for Thompson (Mr. Ashton).

Is there leave to permit the bill to remain standing?

An Honourable Member: No.

Madam Speaker: Leave has been denied.

Mr. Doug Martindale (Burrows): This is a very important amendment bill. It is also a difficult topic and a difficult bill to speak on, because we are talking about difficult and sensitive topics, especially child abuse. That means that we are talking about victims who are children, and we want to be concerned for their

best interests, as the act says and will continue to say. Also, there is the concern about abusers and alleged abusers and their rights and whether or not we should increase the rights for one party or, in so doing, decrease the rights for another party. That concerns me, and I will be talking about that.

I would like to begin by talking about the order for payment for maintenance. My understanding is that this already exists, but it is hardly used, especially in the inner city where people cannot afford to pay. So, even though it has been strengthened or put in the act, it is not realistic because many families cannot afford to pay.

Another concern is that this makes the worker into an adversary, so in addition to having a worker involved with the family, the worker is going to have to come and say to the family, we are also going to court for an order for maintenance. That just adds to the already difficult relationship between a worker and a family if they are the—well, the minister is shaking her head. Perhaps they are going to do it by mail. I do not know. Maybe they are going to get some sort of legal notice saying that they are going to be assessed for costs, but we will find out in the clause by clause how it is actually going to work.

It was also suggested to me that it is unethical to demand payment from a family when on the other hand an agency may not be providing resources or assistance to a family or may not be providing sufficient resources or services to a family, and yet the government wants to force them to pay for the costs of maintenance.

Also, what happens if a family does not pay? Will the agency or will the government turn over this account as an uncollected account? Will they turn it over to a collection agency and will that work and how much money will the government get back? It seems, at least on the surface of it, to be an unworkable proposition to try to force collection of maintenance costs.

This bill brings in licensing of child welfare facilities and appeals and puts them under The Child and Family Services Act, rather than The Social Services Administration Act, and this does not seem to be a

problem. This bill also gives the director power to conduct investigations similar to the Children's Advocate, and in the briefing that I was given, the rationale for this is that the government did not want the Children's Advocate to have more power than the director of an agency, which seems rather ironic, given that the Advocate is complaining that he does not have enough power. However, we are taking care of that, or trying to take of that, in another process with a subcommittee on the Children's Advocate legislation.

The most problematic part of this bill for us, of course, is the child protection sections. This bill reduces the number of days that an agency must go to court from 30 days to seven days, and the notice provisions from 10 days to 2 days, and probably this is a good thing. Someone said to me, and I agree, that if it is a speedier process, then it is better for families and better for children. Certainly, as a member of the Legislature, I get complaints, probably other members get complaints, when there is an apprehension. The family phones up and they say, we do not know what is happening. So I or we might say, well, under the act they have to notify you in a certain time period or they have to be in court in a certain time period. That, of course, is a period of anxiety for an individual or a family until they know exactly what it is that the agency is going for. So it seems to me that, if you speed up the process, that should relieve some of that anxiety, because at least people know in a more timely fashion what it is that the agency is requesting.

Now there is a problem here, though, and that is that the bill says—and I will not quote because I am not supposed to debate clause by clause at this stage, but going from memory, it does say that the placement plan has to be part of the filing in court. What the front-line workers are telling me is that that is a big expectation on the workers, because there is a lot of detail required in the placement plan and that it may be difficult to achieve this in the shorter time frame, the seven days, for example. However, I think there is a way that the government can address this, and that is to provide more resources so that instead of having a huge caseload—and I am sorry I cannot find my notes offhand about the number of case, but going by memory, I think I was told that some workers have a protection caseload of maybe 25 families. This becomes an almost impossible task.

So I would say that this is a workload issue and that the government needs to address this so that if, because of the legislation, they have to be in court sooner but they still have to have a detailed placement plan, the government needs to make sure that there are enough workers to carry out that work so that individuals are not overburdened because of the demands placed on them by the new legislation.

Of course, we know that this government does not want to do anything that might increase costs, whether it is in the Child and Family Services or any system, and they may be reluctant to do this. The result will be that individual workers will indeed have more demands made on their time but, in this case, with less time to fulfill the requirements of the act.

This bill says that professional organizations will be required to advise the director of Child and Family Services of the outcome of any investigation of one of their members if that person caused a child to be in need of protection. Now this would seem to be a good thing. I will be interested in listening to the presenters and see if any professional organizations comment on this part at the committee stage of the bill.

* (1440)

There is a loophole, I would say, a significant loophole, and that is that some professions do not have a professional organization with accrediting and disciplining powers. Of course, the most obvious omission here is the social work profession. The minister has, in her media briefing notes, addressed this in a rather indirect way, which I commented on the other day, and that is that the minister has said that a committee will be established to consider the issue of standards for Child and Family Services workers, including possibly regulatory frameworks and certification programs.

I would encourage the member for Wellington (Ms. Barrett) not to take this personally, even though she is a social worker. I do know that she gets lobbied by her colleagues from time to time, as I do as the Family Services critic, and there are two bodies of opinion out there. There are those who strongly want a certification process and those who are opposed. This will be an interesting process, probably a five-year process, of

appointing a committee and having public hearings and writing a report.

An Honourable Member: Whose side are you on?

Mr. Martindale: The member for The Maples (Mr. Kowalski) wants to know which side I am on. I am not saying.

I would have to say, without saying that this is party policy, that I lean towards certification, but I think that we do have to accommodate all of the concerns that are being raised by the people who are opposed to certification, and I think that there may be ways to do that. I know that—

Madam Speaker: Order, please. The government House leader, on a point of order?

House Business

Hon. James McCrae (Government House Leader): Yes, Madam Speaker, I thank the honourable member for allowing me this opportunity to ask you to call Bill 27 after Bill 51 this afternoon.

Madam Speaker: It is not really a point of order, but I appreciate the indulgence of the honourable member for Burrows, and I will add the time allotted by the honourable government House leader to the member for Burrows's time.

* * *

Madam Speaker: The honourable member for Burrows, to continue his debate.

Mr. Martindale: Thank you, Madam Speaker. I am always willing, as the deputy House leader, to cooperate with the government House leader, and it also gave me a chance to take a pause and have a drink of water, so I thank the minister for that interruption.

As I was saying when it comes to certification, I certainly have a lot of respect for professional social workers, and I even taught a course in the Faculty of Social Work one year, for which they paid me. I would have done it for nothing. It was a privilege to teach a course for the Faculty of Social Work—current issues, of

course, on poverty and inequality. I have kept in touch with many of the students in that class, and they have proved to be very good sources of information and advice to me, and some of them work in the minister's department. However, I digress. I had better get back on track here. I am sure I will get a chance to make a speech on certification if at some future date we have a bill in the House on that, if they choose that route.

The biggest concerns that we have about this bill have to do with the Child Abuse Registry system, and I am disappointed, I guess, that the minister did not provide me with a spreadsheet. Now, her staff did provide a very helpful briefing to me and a very helpful document which does have the amendments in one column and the caucus decisions in another column—something I have never seen before. It was certainly helpful in terms of explaining the bill, but when I tried to figure out the current process for the Child Abuse Registry committee and compare it with the amendments, I found it very difficult and a spreadsheet probably would have aided me in that process.

An Honourable Member: He said he was going to give us one.

Mr. Martindale: No, he said they did not have one.

However, I think I did figure out the process, and there are major changes which concern me and which concern other people. I think just the fact that there are at least 15 people registered to present at the committee tells us that either there are a lot of people opposed to what is happening or it is very controversial, and we are going to hear people from both sides. I know from looking at the names on the list that in fact there are people on both sides of this issue of the changes and whether they are good or not.

One of my many concerns about the Child Abuse Registry process being changed is that, under the old system, the people on the registry review committee had a variety of skills and abilities and backgrounds that they brought and a variety of expertise that they brought to that process. One of my concerns is that when we move it into the realm of the Court of Queen's Bench, what we are going to be dealing with mainly is judges and lawyers, and we are going to have a narrow

range of expertise, that of lawyers. We will not get into making any editorial comments about lawyers. I just wanted to make a point that we are narrowing the variety of expertise.

The other concern that I have, and this has been expressed to me by people in the community as well, is that this bill increases the rights of offenders in that they can bring legal counsel to the initial child abuse committee hearing. Of course, they are allowed to proceed at least a couple of stages to the Court of Queen's Bench which greatly increases, I believe, the rights of alleged abusers. However, there is no increase in the rights of children.

Now, I suppose you could say that this is balanced because they would have the right to provide information or appear or bring a lawyer to the child abuse committee, but it is very unlikely that children are going to be involved in that process, and it would also be inappropriate. In fact, when it comes to going to court, there are serious problems in terms of children as witnesses, because there are difficulties with children facing their accuser. The courts have tried to address this from time to time by providing barriers, but some people still find that objectionable because they say that the accused has the right to face the accuser and vice versa.

I am getting into an area of law here that I am not familiar with, but I know that other members are familiar with this. We know that from a psychological point of view it is traumatic for children to have to testify. We know that children frequently have to repeat their story many times over because they disclose the abuse to someone, and then they have to repeat that disclosure to someone who is investigating the child abuse, and then to go to court to say it all over again would be at least a third time. It is quite possible that if they are talking to the police or talking to other people, that a victim, a child victim, may have to disclose the abuse over and over again.

There is also concern that I have about the briefing notes that I was provided. Beside Section 19(1), it says and I quote, the child abuse committee considering the issue may resolve the matter through family conferencing, mediation or other dispute resolution.

When I read this to a number of individuals that I consulted, everyone that I consulted said that it was inappropriate to use family conferencing and mediation between a victim and offender at the child abuse committee level, because it is unfair to have a victim who is a child have to face the abuser who is an adult at a hearing.

Now, I have no idea whether this was the intent of this explanation. It was suggested to me that perhaps it has to do more with custody battles where there are accusations of abuse at the time of marital breakdown.

Now the minister mentions aboriginal agencies. I know that they are using healing circles and other mediation techniques, but I am not aware that they are using it in resolving these kinds of accusations in a face-to-face way with alleged abusers and victims. However, I could be wrong on that, but everyone that I have consulted has said that it is inappropriate to use those kinds of mediation techniques which in other instances like property crimes are very appropriate and are being used more and more to divert cases from the court. People are being referred to mediation services and other places, but with child abuse, everyone that I talked to said it was inappropriate. So, certainly, when we get to clause by clause, I will have questions for the minister about that particular provision.

* (1450)

I also have concerns about the local committees. Many people have shared with me their concerns in a number of areas. For example, someone suggested to me that, especially in rural Manitoba, if a local child abuse committee knows that an alleged offender is going to appear in person that they may resign just because of the nature of a small community and not wanting to face someone who is an alleged abuser, and that it is going to be difficult to recruit people to these committees.

I hope that that is not the case, but we do know that it is a difficult process. We know that this legislation is going to make it an even more difficult process because when alleged abusers come to these initial hearings they can bring legal counsel with them. I am told that since the Child Abuse Registry committee process began it has become more and more legalistic as more

and more alleged abusers brought legal counsel to the process, and so the volunteers on these committees, who are not lawyers, have had to spend more and more time listening to legal arguments and may even make decisions, I understand, about legal arguments.

Now this is going to be downloaded, if you like, to the local child abuse committee. They do not have that kind of expertise or training, and they may need it because lawyers are going to be part of the process. So one question for the minister would be: Is there going to be training for these local child abuse committees, so that they will have some assistance when they are faced with the prospect of having to deal with legal counsel.

It has also been predicted that these local child abuse committees are going to be very busy, that they may have to meet weekly because I understand—and I could be wrong, I stand to be corrected—every allegation of abuse is going to have to be dealt with at the local level by the local child abuse committee. If so, then that is going to mean a considerable workload.

It was also suggested to me that there is going to be a need for consistency throughout the province, that because we are changing from a system of one province-wide Child Abuse Registry committee to numerous local committees, because every child and family service agency will have to have a child abuse committee, that there is going to be a need for consistency. We do not want allegations of abuse being dealt with differently in Thompson than in Winnipeg or in Beausejour from Morden. We need to make sure that there is a consistency in the process and the kinds of decisions that are being made. I guess that is partly where the issue of training comes in.

Another problem is that in Estimates I believe the minister verified that there are at least two agencies in Manitoba that have no child abuse committee at present, and that anomaly is certainly going to have to be taken care of. I am also told that there are agencies that have abuse committees but they almost never meet, and that they just do not deal with allegations of abuse unless it, I guess, presents a certain level of seriousness. I was told that one community that has a committee that never meets did refer a case to the provincial Child Abuse Registry committee. So certainly we will be looking for consistency and to ensure that every Child

and Family Services agency, both First Nations and non-First Nations, has a child abuse committee, and that they are up and running, and that they do the job that is intended for them under this legislation.

Also, another concern would be cases that do not make it to the child abuse committee. What if within the agency it is decided that counselling would be an appropriate way to deal with an individual? That could mean that their names are not ever going to get on the registry because names only get on the registry by going through a certain process, but if they do not come into the process, then certainly their names will not be on the registry.

I think I would like to conclude my remarks there. Certainly I will have the opportunity to say more at third reading, and there will be opportunity to question the minister on some of the problems that I have raised at the committee stage when we do clause by clause. As I have said, we have numerous concerns about the major changes, I believe, in this legislation to the child abuse committee process, and my colleagues are going to be putting on record some of their concerns.

To sum up, I think that by giving alleged abusers more rights that we may be taking something away from the best interests of children. That is certainly something that we do not want to do because we are dealing here with vulnerable persons, with children, and dealing with it in a legalistic way by going to Court of Queen's Bench does not always protect the best interests of children. Thank you.

Mr. Gary Kowalski (The Maples): Madam Speaker, I am to be attending a subcommittee meeting on Privileges and Elections in about three minutes, so I will just put a very few comments on the record before this passes on to committee.

I think one thing that we have to remember is this bill comes as a result of wide consultation throughout Manitoba. I think that is an important element, and I think any legislation that arises out of public consultation we should give much serious view of it, if it does reflect that consultation. Some points that were raised by the previous speaker about maintenance orders for children in care, and I think sometimes it is

not the legislation but how it is implemented. There are people who have children in care who can afford to look after their children and feel more obligation. This will facilitate that. So that part of it, as long as it is not used for those who can afford it or are borderline to pay for the maintenance of children that will put more stress on a nearly impoverished family, I am not that concerned about that section.

The Child Abuse Registry is the section that we will be listening to the public's summations the most on. When we talk about these appeals going to Court of Queen's Bench, I am concerned. Will it be a master of the court, and will this master hear continually all the complaints? Then the implementation of these changes will be dependent on who that master of the court is. The same as many of the aspects of the Child Advocate legislation has been reflected on the personality of the person administering the act.

I am concerned about the family conferencing and mediation that in these local committees they do not forget their role is to identify abuse that has occurred as opposed to healing that abuse. If they mix up their roles, it would be of deep concern. I know a number of people who are planning to present to the committee. I am looking forward to their presentations. We will have more to say after the committee hearings. Thank you.

Ms. Becky Barrett (Wellington): I am going to speak only on one part of Bill 48, and that is the changes to the Child Abuse Registry process. I am going to speak out and say that I find the changes that have been made to this part of the legislation to be terrible, in a word. The minister, in her comments to the House on June 5, said that these amendments in Bill 48 are to minimize the trauma of abuse, neglect or family breakdown and to improve the protection of children. I would like to suggest, Madam Speaker, that the amendments that deal with changes to the Child Abuse Registry do neither. As a matter of fact, if they are implemented as they are in the current legislation, they will have a chilling effect on the whole issue of child abuse. They will not help children survive the trauma of child abuse. They will not do anything to take the abuser out of the situation. They will, in fact, add another layer of abuse to an already horrible situation.

I will explain my deep, deep, deep concerns with this part of the bill. One of the elements in the amendments that the minister talks about—I think what the minister is saying is that there are going to be two sections, two parts to the Child Abuse Registry process. The first, she says, is an informal part, and the second is a more formal part going to Court of Queen's Bench. I would suggest there are major problems with both of those areas and good and sufficient reasons for the Child Abuse Registry system, as it now is in place, being in place and remaining in place.

* (1500)

The problem with the first part of this is that it is the local community child abuse committee that is going to be established that will be dealing with the allegations of child abuse. The member for Burrows (Mr. Martindale) has put on record some of those concerns, that the caseload may be too heavy, the fact that it is becoming more of an adversarial and a legalistic process already, and the fact that due to a number of factors, local members may choose not to sit on the committee. Those are all valid. I would suggest as well, Madam Speaker, that even if the members of the local child abuse committee do not resign, even if they sit there in this process, in local communities, in small communities of which we have a plethora in Manitoba, there is a real chance, a very good chance, that the alleged abuser and the alleged victim will be known personally or by reputation to the members of that child abuse committee.

The problem with that is that this familiarity can lead to an assessment that is not in the best interest of the child or the family. We all have heard when someone is arrested for a crime, I cannot believe it of him or her; he or she has always been so quiet, has never been a problem; I cannot believe this is happening.

In particular, you hear this about crimes against people. You hear it in situations where there is a killing or a beating or abuse of some sort. The family and friends and co-workers and community residents of the alleged perpetrator often make the comment, I cannot believe it of him or her.

Well, Madam Speaker, I would suggest that in the revisions to the Child Abuse Registry, this problem of

the familiarity of the local committees with the family is going to make an impartial decision much more difficult to come by. I would suggest that it is hard enough for children to be listened to in these situations, partly because we cannot believe that family and friends would do terrible things to children. It goes against our wishes. We do not want to see this happening, and that is legitimate. We, none of us, want to think that a parent or a relative or a person in a position of power and authority over a child could perpetrate abuse upon that child, so in order to make it as fair as possible for that child, to have the child heard, we have to put in place systems that will balance our natural disinclination to think evil of adults in this situation, particularly if we know the people involved.

There has to be a screen there of fairness, of impartiality, that a local child abuse committee could possibly not be able to have through no fault of any of the people who might be on this committee—and please do not let it ever be said that I am casting aspersions upon members of a local child abuse committee, none of whom I know. We are talking about what might happen as a result of this piece of legislation. It is a problem that needs to be addressed.

One of the reasons for having the Child Abuse Registry separate from the local community is specifically to ensure that distance and fairness and impartiality, so that particularly the child will have a fair hearing.

The minister says the intention is to have a very informal procedure at the local level and to encourage resolution of issues through family conferencing, mediation or other alternative dispute resolutions. I am appalled, frankly, Madam Speaker, at the lack of understanding or even knowledge about basic theory when it comes to the issues around abuse, and I am not just talking here about child abuse. I am talking about domestic violence. I am talking about sexual harassment. I am talking about the range of issues that come under the rubric of abuse or harassment or intimidation.

By definition, and bringing it back specifically to this particular situation, a child abuse situation takes place in a relationship of power imbalance. The abuser is

virtually always older, virtually always an adult, and the victim is a child. The abuser is virtually always someone in a position of power authority or influence over that child, whether it be a parent, a relative, a coach, a priest, a teacher—someone in that kind of a position. Those are virtually the kinds of relationships that are encompassed in this whole concept of child abuse.

The idea that you could have mediation as an alternative for dealing with child abuse situations is reprehensible. Mediation only works if it is in a situation where the partners are in an equal power balance. Mediation does not work in cases of domestic violence, and it certainly will not work in cases of child abuse. How much less of an equal situation can you have when you have a child that is being abused by an adult in a position of authority? It is the last situation in which you should even consider mediation.

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

Mediation works in very narrow, narrow circumstances, and it can work very well, but it does not ever, ever work—cannot ever work and should never even be put into the context of any kind of abuse situation. That is a further perpetuation of the whole abuse situation when you even talk about mediation in this context.

When a child declares abuse, you must immediately assume—and the current Child Abuse Registry does—that that child is telling the truth. There is a presumption of truth in the current Child Abuse Registry process that is missing from the proposed changes. I will get into the second part of those proposed changes, which takes things out of the Child Abuse Registry and puts them almost immediately into the judicial system. There were good and sufficient reasons why the current Child Abuse Registry process allows the judicial system to come into play only for questions of law or jurisprudence, not for situations of determining the rightness or wrongness of the decision itself. I know there is a legal phrase for that, which I cannot remember at this time.

An Honourable Member: Question of fact.

Ms. Barrett: Question of fact, okay. The Child Abuse Registry is based not on an adversarial judicial system deliberately—deliberately—and it is based on a balance of probabilities, not beyond reasonable doubt. There are good and sufficient reasons, from my perspective, why you have a balance of probabilities in child abuse situations, and you have beyond reasonable doubt when you get into the judicial system.

Now the minister is going to say, well, this does not change that; going to the Court of Queen's Bench to deal with the questions of fact does not mean that we are going past balance of probabilities, it will still be balance of probabilities. Excuse me, Mr. Deputy Speaker, but lawyers are trained in an adversarial system. That is the reality of the situation. That is not a negative thing. There is a role for lawyers in our society. There is a role for the rule of law in our society, but to say in child abuse cases that if there is any question on the part of the alleged abuser, it go immediately to the Court of Queen's Bench is leading us down the road to a situation that could only have very negative effects for the families and certainly for the victims in these cases, partly because the legal system is not comfortable with the balance of probabilities. The legal system, rightly so, deals with beyond a reasonable doubt, and no one here, and certainly not myself, would ever say that you should not have that in the legal system, but when you talk about taking child abuse cases to the Court of Queen's Bench, you are going to have the lawyers that are involved start to talk about beyond a reasonable doubt, and this is wrong. It should not be happening.

* (1510)

As I said, there are wonderful reasons why in child abuse cases we go for balance of probabilities, and that is because we are dealing here with a crime where there is virtually never, ever a witness. Most cases of child abuse do not have witnesses to them, other than the perpetrator and the victim. You also have a situation where, as I have stated before, the victim is a child. The victim is a child who needs to be protected throughout this whole process. You want to try and avoid the adversarial situation of the legal system through the courts. That is the whole reason behind the current Child Abuse Registry, saying that you take it into a court only on rule of law, not on the issue itself,

and you do not need beyond reasonable doubt. You go balance of probabilities. The changes will not make this a fairer system for children.

Mr. Deputy Speaker, these changes to the Child Abuse Registry, the minister says, will balance the protection of children through the listing of abusers' names on the Child Abuse Registry with the rights of alleged abusers to have a fair and impartial hearing.

Now I read that statement by the minister to say that the current system, which is being changed in enormous fashion, does not provide for a fair and impartial hearing. In other words, what the minister is saying is that the current system, where there is a ministerial appointment of a panel of three members for a Child Abuse Registry committee which only meets when it is necessary, when the minister appoints those individuals who, as the member for Burrows (Mr. Martindale) says can come from a range of disciplines, people who understand the concepts and the issues surrounding child abuse, that currently happens. That panel is charged with the determination if on balance of probabilities that abuse has happened, there is a chance that it will happen again, that that person's name should go on the abuse registry.

I do not know what the problem is with that system. I do not know how that is not fair and balanced. The new changes are certainly going to move the scales of justice in favour of the perpetrator, the alleged perpetrator. This is a government that reflects, directly and indirectly all the time, the scenario that we are getting lax as a society: We need to get tough on criminals; we are going to make sure pimps and johns are not protected like they are currently; and we are going to ensure that we are tough on criminals and we are tough on lawbreakers.

We could go on and on about how that has not happened in reality, but in this particular instance, the impact of those changes will be to provide more protection for abusers and less protection for children who have been abused. This is wrong. It should not be happening. It is not going to make the system fairer for the victims in this situation.

What it is going to do is it is going to allow an abuser, an alleged abuser to go to the local committee made up

of people who know him—and I will say because the vast majority of alleged abusers and people on the abuse registry are men—it is going to allow him to go before this local committee with all the problems inherent in that. Then he does not like the fact that he has been put on the registry; he takes it to the Court of Queen's Bench immediately. It goes straight into the legal system, with all of the problems inherent in that legal system, as I have outlined, including the fact that now the family for the advocates of the victim, the child, now also have to go to court and pay all of those court costs as well.

This is not a situation that should be dealt with in the same way that you deal with other legal matters. That is the whole point. This is not a situation that should be dealt with in the court system at all, other than the things that are allowed currently.

I do not understand why the government is making these changes. It is not going to help victims. It is not going to help the families of victims. It is not even going to help, I suggest, the people whose names have been put on the Child Abuse Registry. It is not going to help anybody in the system, and I cannot imagine that the people whom the minister has consulted really believe that this is a positive thing.

So, Mr. Deputy Speaker, I am concluding again by saying that if it has not been made very clear by my comments, I and the rest of my colleagues will not be supporting Bill 48, if for no other reason than the inclusion of this dreadful section that will further victimize innocent children. Thank you.

Mr. Tim Sale (Crescentwood): Mr. Deputy Speaker, I have a couple of comments that I think are important from our perspective on this bill.

First, I welcome the idea that the court has the ability to fine individuals who fail to disclose information that is appropriate for the determination of child maintenance payments. That is a good provision. Unfortunately, the money will go to general revenue instead of to the custodial parent who is seeking a maintenance order.

I think, again, we have to recognize that the province will act more quickly and with more legal teeth to

recover a \$5,000 or up to a \$5,000 fine to itself than it now acts to provide maintenance payment collection for parents who are way behind in receiving their maintenance payments. So the notion of putting some teeth in the disclosure section is a good notion. I just would note that it would be nice if that fine could somehow find its way to the custodial parent who has sought the order to get the information because they have reason to believe that the maintenance that they are receiving does not reflect the financial condition of the parent who is doing the paying.

The second area of comment, Mr. Deputy Speaker, is the concern that I think we all have, and I hope the minister shares this concern, and I am sure she probably does, that the establishing of new committees at the local agency level raises a whole new area of serious difficulties, which if not dealt with properly could land us in some very, very hot water. The hearings into abuse are extremely delicate and difficult procedures. I do not need to say that to the minister; I am sure she knows that.

I had the difficult job of chairing the Minister of Education's panel which hears allegations of teacher unprofessional conduct. That is a quasi-judicial tribunal, and as a person with no legal training, I frequently felt at sea and had good advice and had good support, but there was a committee that had relatively well-trained people on it with reasonable support, and we still often found ourselves in very tough going to adjudicate complaints about teacher misconduct.

I would submit to the minister that this situation is at least as complex, and I would suggest substantially more complex often because of the deep personal and family relationships that are frequently involved in abuse cases.

So, if she is going to establish local committees, I hope that she will invest a very substantial amount of funding in supporting those committees' ability to actually constructively deal with situations and not expect that an agency will simply be able to select a group of local people, that it will have professional people and nonprofessional people. If she wants some guidance in this regard, she might look to how the College of Physicians and Surgeons has had to deal with the question of increasing its capacity to hear

appeals through the college's disciplinary committee and the complexity of that process. So local committees, I think, need substantial training and support which has not even at this point been thought about. The regulations are not drafted. I trust that, if the minister moves on this, she will go slowly and will go with great care and with a great deal of training and support, because these are matters that can either fail to protect a child who is in enormous risk or can alternatively tear up relationships which may never be able to be rebuilt. So these are very, very difficult situations.

* (1520)

Finally, Mr. Deputy Speaker, the issue of the registry and the court. I would just ask the minister to consider the illogical nature of what is being done here. We have a situation in which The Child and Family Services Act talks consistently about the best interest of the child and uses the lesser standard of balance of probabilities virtually throughout, because essentially the whole act is based on the notion that workers and staff have to make tough judgment calls, and rarely are we in a situation where we can say with absolute clarity that beyond a reasonable doubt this child is in need of protection. Those are the easy calls. When I had some involvement with Child and Family Services, the vast majority of the calls were tough calls, and there will always be errors made. That is why the balance of probabilities test is so important, because on balance we have to protect the child first.

There ought to be then opportunities to review decisions and to move ahead from that, but the first thing has to be to accept the lesser test. Why would we then have a process which substitutes the more stringent test into the situation here of the balance of probabilities, which is to go through the court process, to increase the costs tremendously, and to force those who are involved in the case to appear before a Court of Queen's Bench in a setting that is not like an abuse hearing is at all and may further simply make the situation worse? So what is the virtue in insinuating into the situation a beyond reasonable doubt test and a Court of Queen's Bench process?

Now the minister and another minister are shaking their heads, and we will look forward to their

clarification of this whole process, but we will, of course, Mr. Deputy Speaker, be opposing this legislation in its current form.

Mr. Deputy Speaker: Is the House ready for the question? The question before the House is second reading of Bill 48, The Child and Family Services Amendment and Consequential Amendments Act; Loi modifiant la Loi sur les services à l'enfant et à la famille et modifications corrélatives.

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

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Deputy Speaker: All those in favour of the motion, please say yea.

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

Mr. Deputy Speaker: In my opinion, the Yeas have it.

Formal Vote

Mr. Steve Ashton (Opposition House Leader): Yeas and Nays.

Mr. Deputy Speaker: Yeas and Nays. A recorded vote has been requested. Call in the members.

(Madam Speaker in the Chair)

Madam Speaker: Order, please. The motion before the House is the second reading of Bill 48, The Child and Family Services Amendment and Consequential Amendments Act.

Division

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

Yeas

Cummings, Derkach, Driedger, Dyck, Ernst, Filmon, Gilleshammer, Helwer, Lamoureux, Laurendeau, McAlpine, McCrae, McIntosh, Mitchelson, Penner, Pitura, Praznik, Radcliffe, Reimer, Render, Rocan, Stefanson, Sveinson, Toews, Vodrey.

Nays

Ashton, Barrett, Cerilli, Chomiak, Dewar, Doer, Evans (Brandon East), Evans (Interlake), Friesen, Hickes, Lathlin, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Reid, Santos, Struthers, Wowchuk.

Madam Deputy Clerk (Bev Bosiak): Yeas 25, Nays 20.

Madam Speaker: The motion is accordingly carried.

* (1550)

Mr. Gary Kowalski (The Maples): Madam Speaker, I was paired with the Minister of Agriculture (Mr. Enns), who asked for a pair to attend to official government business that would have benefited Manitobans. If I would have been given the opportunity to vote, I would have voted in favour of the motion.

Mr. Sale: Madam Speaker, I was paired with the Minister of Industry, Trade and Tourism (Mr. Downey). Had I not been paired, I would have voted in opposition to the motion.

Mr. Neil Gaudry (St. Boniface): Madam Speaker, I was paired with the Minister of Highways (Mr. Findlay). If I would have voted, I would have voted in favour of the motion.

Committee Change

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 Radisson (Ms. Cerilli), for Friday, June 20, 1997, for 10 a.m.

Motion agreed to.

Bill 46—The Criminal Injuries Compensation Amendment Act

Madam Speaker: To resume second reading debate, on the proposed motion of the honourable Minister of Justice (Mr. Toews), Bill 46, The Criminal Injuries Compensation Amendment Act (Loi modifiant la Loi sur l'indemnisation des victimes d'actes criminels), standing in the name of the honourable member for Swan River (Ms. Wowchuk).

Is there leave to permit the bill to remain standing?

An Honourable Member: No.

Madam Speaker: No. Leave has been denied.

Mr. Gord Mackintosh (St. Johns): This is another one of those bills that we are seeing where the government is not only renegeing on its promises to the people of Manitoba, and I will explain that in more detail, but also it is renegeing on its responsibility to those who are in need and are disadvantaged.

Currently, the law in Manitoba under the Criminal Injuries Compensation legislation is to ensure that those who are not working at the particular time of a criminal injury are able to receive minimum wage benefits. What this bill does is it says that if you are not employed at the time of the criminal injury, you will not be entitled to receive wage-loss benefits.

Now, Madam Speaker, the minister has said in his remarks that the wage-loss benefit should only be paid where the injury actually impacts on the victim's ability to continue in a current employment situation. He makes the argument that this change would bring the benefits to victims in line with those paid to other clients of the Workers Compensation Board.

Now, can you understand, Madam Speaker, how they can compare Criminal Injuries Compensation to Workers Compensation? For Workers Compensation, you have to be injured on the job. You have to be working at the time. You cannot compare the two regimes, but, you know, this legislation—and I will get to what is wrong with this bill by using some examples, but this is a part of a pattern.

A number of years ago, this government, the Filmon government, did away with the indexing of payments under the Criminal Injuries Compensation scheme, saved big dollars, and we have heard of the impact on individuals, Madam Speaker. It then imposed a cap on how much can be paid out for counselling for victims of crime, and we have heard about that and the impact on victims. Then it went to a system of making lump-sum payments to individuals who are permanently disabled by the crime, and they were cheaper, yes, but they did not provide the stable income required by people who are no longer able to earn a living. They were moving to a system of buying people off, so the government could save a few dollars.

Even though the government has recognized—and I know this from Estimates—that it is important that the types of crimes which can lead to compensation be expanded to include such crimes as stalking, this government has not moved in that direction. This government is aware of the need to expand the kinds of services for which benefits can be available—for example, moving expenses required because of an individual being stalked or as a result of domestic violence—but this government has not moved in that direction whatsoever. But now this, Madam Speaker; you can see the pattern.

What this bill says, Madam Speaker, is that if at the time of the crime you are not employed, you do not get employment-related benefits. You do not get wage replacement. In other words, if you are seasonal worker, for example, and you are injured on the off season, you would not be eligible for wage-loss benefits, I understand. If you lost your employment yesterday and today you are a victim of crime, you will not receive wage-loss benefits. If your employment is sporadic and yet you are able to earn a living over the course of a year and you have average earnings, but the injury occurs on a day that you are not employed, it appears you will not receive employment or wage-loss benefits. Even Autopac, with the changes brought in by this government, is not so stingy and cruel. At least, Autopac does consider the reasonableness of one's wage situation over a period of time.

It is unfortunate that this government wants to treat victims of crime the way they do—particularly unfortunate, given this is the government that any time

it seems to be asked a question about why they are hitting on victims and not paying due respect for victims of crime, respond that it is important that we bring victims more into the process and that we put victims first. I have heard that time and time again in this House. We also saw during the last election, along with that fraudulent promise by the Premier to confiscate the vehicles of johns, such statements as this, and I quote from their document entitled the Filmon Vision: The Filmon government will continue to look for ways to ensure that the rights of victims of crime are given top priority by the justice system.

What top priority is there when they take away the wage-loss benefits of crime victims? This is the government that during the election said they promise to reallocate more resources to Victims Assistance Programs and services. What we are looking at, Madam Speaker, is not just one bill that takes away victims' services, victims' rights, but a whole series of moves by this government to diminish the positive opportunity that the Criminal Injuries Compensation Board can provide to victims of crime.

So, Madam Speaker, with those concerns, we, certainly on this side, are not prepared to support this legislation. If the government wants to defend this legislation, I ask that they get up. I have not heard the government yet defend one piece of legislation in this session after Debate on Second Reading, not once. In fact, I have not heard from the other side a single member, other than the ministers introducing second readings, speaking to any of the bills, but I have put on the record serious concerns about this legislation. I ask the minister, if we are wrong in the interpretation of this section, I want him to correct it. I want him to provide evidence. I want him to provide opinions to show that there is a different view, because our reading of this legislation, all the information we have, indicates that this change is certainly not supportable from this side.

Mr. Kevin Lamoureux (Inkster): Madam Speaker, I, too, would like to say a few words on the record regarding Bill 46. Under the current legislation, unemployed victims of crime are entitled to recover lost wages at the minimum wage rate. Bill 46, if passed, will no longer allow these victims of crime to be considered eligible for such compensation. In its place,

the province will be enacting a Victims Assistance Program in the near future.

* (1600)

I think the fair thing for the minister to do would be to announce the Victims Assistance Program and then look at legislation of this nature. This bill is really very typical of what this Conservative government is all about. They do not give a—well, I am not too sure if that word is parliamentary or not—about the little guy. It is not surprising that they have once again chosen to pick on unemployed. Only this time they have chosen to kick the little guy when he is down. How much does a program like this really cost the government? I doubt if it amounts to more than a few thousand dollars a year. I would like to think that the government should have some sort of compassion. When I look at legislation like this, I realize that the government of Manitoba in fact is in desperate need of something. Thank you, Madam Speaker.

Madam Speaker: Is the House ready for the question? The question before the House is second reading of Bill 46, The Criminal Injuries Compensation Amendment Act. Is it the will of the House to adopt the motion?

An Honourable Member: No.

Madam Speaker: No?

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 Yeas have it.

Formal Vote

Mr. Gary Doer (Leader of the Opposition): Yeas and Nays, Madam Speaker.

Madam Speaker: A recorded vote has been requested. Call in the members.

Order, please. The motion before the House is second reading of Bill 46, The Criminal Injuries Compensation Amendment act.

Division

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

Yeas

Cummings, Derkach, Driedger, Dyck, Ernst, Filmon, Gilleshammer, Helwer, Laurendeau, McAlpine, McCrae, McIntosh, Mitchelson, Penner, Pitura, Praznik, Radcliffe, Reimer, Render, Rocan, Stefanson, Sveinson, Toews, Vodrey.

Nays

Ashton, Barrett, Cerilli, Chomiak, Dewar, Doer, Evans (Brandon East), Evans (Interlake), Friesen, Hickes, Lamoureux, Lathlin, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Reid, Santos, Struthers, Wowchuk.

Madam Deputy Clerk (Bev Bosiak): Yeas 24, Nays 21.

Madam Speaker: The motion is accordingly carried.

Mr. Gary Kowalski (The Maples): As I said earlier, Madam Speaker, I was paired with the Minister of Agriculture (Mr. Enns). If I had an opportunity to vote, I would have voted against this motion.

Mr. Tim Sale (Crescentwood): Madam Speaker, I was paired with the Minister of Industry, Trade and Tourism (Mr. Downey). Had I voted, I would have voted against the motion.

Mr. Neil Gaudry (St. Boniface): I was paired with the Minister of Highways (Mr. Findlay), and if I would have voted, I would have voted against.

* (1610)

Committee Changes

Mr. George Hickes (Point Douglas): Madam Speaker, I move, seconded by the member for Broadway (Mr. Santos), that committee change made for the Standing Committee on Privileges and Elections for Thursday, June 19, 3 p.m., substituting the member for Radisson (Ms. Cerilli) for the member for Wellington (Ms. Barrett), be rescinded.

I move, seconded by the member for Broadway (Mr. Santos), that the composition of the Standing Committee on Privileges and Elections be amended as follows: Radisson (Ms. Cerilli) for Wellington (Ms. Friesen) for Monday, June 23, 1997, for 3 p.m.

Motions agreed to.

Bill 58—The Law Reform Commission Amendment Act

Madam Speaker: To resume second reading debate, on the proposed motion of the honourable Minister of Justice (Mr. Toews), Bill 58, The Law Reform Commission Amendment Act (Loi modifiant la Loi sur la Commission de réforme du droit), standing in the name of the honourable member for Transcona (Mr. Reid).

Is there leave to permit the bill to remain standing?

Some Honourable Members: No.

Madam Speaker: No? Leave has been denied.

Mr. Gord Mackintosh (St. Johns): Well, Madam Speaker, here is another one of these doozies from the new Minister of Justice. This is the second bill on the Order Paper dealing with the Law Reform Commission. By the way, the first one talked about the repeal of The Law Reform Commission Act; this talks about the amendment. Quite frankly, there is no significant difference between the outcomes of either bill.

The other problem, of course, is that both bills are required because this minister did not do any consultations with the community, did not listen to anyone, did not listen to the staff, did not listen to those that have been affected by Law Reform Commission

reports. The government just went ahead—and I do not even know if it was the minister that was responsible, or if it was Mr. Benson or someone over there, or the Premier (Mr. Filmon)—and they just said let us start chopping things up around here. Who cares what election promises we ever made in the past on law reform in Manitoba? The heck with that; let us just cut.

I remember, Madam Speaker, a number of years ago I served as chair of the patients' rights committee in Manitoba, and one of the developments that the Law Reform Commission undertook was to look at how people can make decisions on their medical care when they become incapacitated. It is also known as health care directives. What the Law Reform Commission did was they sent out a discussion paper to the community, and they asked for the receipt of submissions by a certain date.

Well, they did that. They had a tremendous volume of reaction. The Law Reform Commission then took all of their research; they took the opinions of the community and put it into a paper with recommendations for health care directives. I do not think it was more than a year or two later that the then Minister of Health, the member for Brandon West (Mr. McCrae), came with legislation into this House enabling patients to take greater control over their health care through health care directives, one example of how the Law Reform Commission made meaningful change that could affect Manitobans' lives.

The Law Reform Commission was created way back in 1970 by the Schreyer government. It was created because we recognized as Manitobans that the laws were not keeping up with changing social conditions. I think, even more importantly, they recognized that many areas of law reform simply were not sexy enough politically, did not demand enough attention of legislators to result in law reform and change in the rules that govern us to keep up with people's needs. So the Law Reform Commission of Manitoba embarked on a number of reports. I think they produced about 69 formal reports over the years.

Of course, we are all familiar with what happened in 1987 under Pawley administration, where that government made a decision that senior bureaucrats should take on the work of the Law Reform

Commission. As a result of that decision, there was significant uproar throughout the province. Indeed, even members of the NDP, I think there was one that ripped up his membership card; there were letters to the editor.

But the loudest denunciation of what the government did at the time was by the Conservatives. The uproar was tremendous, to the point where the Conservatives went into the election campaign that followed in 1988 promising that never again would the independence of the Law Reform Commission be affected by government in this province. No, Madam Speaker, they went into that election campaign, and they said what the NDP did was a terrible thing and should never happen again.

I want to just read some of the statements that were made by Conservatives at the time. Gerry Mercier, now a respected member of the bench, denounced the government by saying it will no longer—that is, the Law Reform Commission—be an independent body which members of the public can freely and frankly express their opinions to.

The then Minister of Justice said our government believes that the pursuit of justice is an ongoing process; creating and changing laws should involve more than just writing and rewriting legislation. Law reform needs a continuous review by people outside the hurly-burly of political life and the stresses and strains of government services. He went on to say, I want to enshrine the commission's independence within this legislation so that it never again can be put at risk without legislative change. Then the minister said that legislation introduced by the Conservatives would guarantee that, what he calls, this vital body cannot be disrupted or constricted in its work by the actions of the government of the day. He said that the bill represents the completion of the government's promise to restore the independence of the commission and to protect it as far as possible from any attempt by any future government to destroy the effectiveness of the Law Reform Commission.

Well, I do not know whatever happened to that sentiment, to that insight. I tell you, Madam Speaker, New Democrats voted for the legislation to ensure the independence of the Law Reform Commission. It was

not a decision, by the way, by that government that I was proud of. It bothered me a lot. I think it may have been wrong-headed, but what this bill represents today is not just wrong-headed, it is dishonest. What the government is doing is saying there shall be no Law Reform Commission in the public sector. The commission cannot hire permanent staff. They cannot pay commissioners. I understand it is giving the Law Reform Commission \$50,000 for them to go and find other funding. It ensures that the Law Reform Commission will not be an agency of the government. It says so explicitly. The minister has the gall to say the reason for this is because they want to put the money from the Law Reform Commission into public safety—and during Estimates he could not tell me where that money had been redirected.

Regardless, I would like to note that the minister seems to forget that the Law Reform Commission has been working on public safety issues over the course of its life, and it was not more than a week ago, Madam Speaker, that the Law Reform Commission brought to this province fantastic opportunity to better ensure the safety of victims of stalking. I do not know what the minister thinks that report was all about. That report was about public safety, unless he does not think that women are part of the public. The Law Reform Commission was working on a discussion paper on elder abuse when this government came along. That report will never happen now. It was killed. I do not know if the government understands what is happening in the area of elder abuse in this province, but it has been identified as an extremely serious and growing problem in this province where a reaction by the state is absolutely essential. The only people that seemed to hear that were those in the Law Reform Commission, but that report will never be.

* (1620)

You know, the minister got up when he introduced the new Arbitration Act and did not even have the courtesy to acknowledge the work of the Manitoba Law Reform Commission, as it developed and considered the need for a new arbitration law in Manitoba. There have been 132 reports prepared and presented by the Law Reform Commission, and I understand that 80 percent of those reports have ended up in legislation. In fact, even in my brief tenure in this House, Madam

Speaker, I have seen the bulk of Justice bills, I think a session or two ago, coming from Law Reform Commission reports.

Well, I wonder if the government has reflected at all on what has happened because of the Law Reform Commission's presence in this province. Innocent mistakes in making a will no longer mean that the deceased's wishes cannot be followed. Longstanding hurdles in the sale of businesses have been removed.

I have talked about the health care directive legislation, that it allows individuals to have greater control over their health care. The law respecting organ donations has been made clear. Married couples share their property equally. Incentives to delay legal proceedings have been reduced. Damages can be awarded more flexibly in the form of periodic payments rather than lump-sum payments. Provincial judges are appointed using a more open procedure with explicit criteria based on merit, and indeed some of those recommendations found their way in legislation before this House in The Provincial Court Amendment Act.

Val Werier writes in the Winnipeg Free Press lately that simplified mortgages were brought in, intelligible wording was brought in because of the Law Reform Commission. The work of the Law Reform Commission assured that people received an annual mortgage statement. In fact, in its very first report the Law Reform Commission enabled aboriginal peoples to get on jury panels.

Then there was the report on self-governing professions. I do not know whatever happened to that one. I understand that there is some informal committee of government looking at that, but a response is long overdue. But that report has been called by a law professor from the University of British Columbia, Wes Pue, far and away the most important such document to emerge from English Canada in a very long time, and it ranks with the very best English language literature in the field. He says it deserves to be widely read by policymakers and professionals.

Madam Speaker, this ignorant move by the government has been soundly denounced by the community. The Law Society of Manitoba and the Manitoba Bar Association have unanimously passed

resolutions condemning this move by the government. The president of the Law Society wrote to the minister and said: We are at a loss to understand how the same government—and these are my words, he was referring to the same government that so denounced the Pawley government's move—how this same government can now turn its back on the continuous review and improvement of the province's laws and no longer fund the commission.

Unanimous resolutions, Madam Speaker. We have organizations, such as Manitoba Association for Rights and Liberties that writes to the minister and says: We are alarmed that this government intends to remove from the service of the public interest an independent body which provides ongoing review of the fairness and effectiveness of Manitoba's laws. The Law Reform Commission has served this province well in its 25 years, it says, its recommendations often reflecting on the changing needs of society.

They go on to talk about the Law Reform Commission's report on the provincial bill of rights, on emergency apprehension admission rights under The Mental Health Act in 1979, of the self-determination in health care in 1991, and sterilization of minors and mentally incompetent adults in 1992. They urged the government to withdraw the legislation.

I look at groups like the Women's Legal Education and Action Fund who said: Remember the work on family law, the one-year rule for enforcement of arrears and maintenance, The Dower Act examination, The Married Women's Property Act.

The Manitoba Transplant Program writes to the minister and says that the Law Reform Commission has played an instrumental role in maintaining Manitoba's Human Tissue Act up to date with respect to advances in the transplantation field and developments in human ethics. They say it is with great concern that they have learned that the government is planning to abolish the commission.

The Manitoba Society of Seniors writes about the serious impact that the legislation will have on the effectiveness and fairness of our province's laws. The Alzheimer Society writes its concerns. I note a letter to the editor in the Winnipeg Free Press by Isabel Christie,

and she said reinstating the commission to carry on its excellent work will return some much needed lustre to the present government. Indeed, Madam Speaker, there is no lustre on that government opposite, but the lustre will not be restored because this government is insisting on the destruction of good law reform in this province and an agency that has proved its worth.

So, Madam Speaker, in conclusion, we are not going to support this legislation. We are adamantly opposed to it, and we will do our part, even though the government will not, to ensure that the government will not break another election promise, and we want to do our part to ensure an independent and publicly funded Law Reform Commission. Thank you.

Mr. Kevin Lamoureux (Inkster): Madam Speaker, I, too, would like to say a few words with respect to Bill 58.

The Law Reform Commission in its primary purpose was to make common law better understood and easier for the layperson, like myself who is not a lawyer, to read and understand common law. Well, Madam Speaker, it is not a waste of public dollars. There are tasks that should be undertaken and supported by the public purse. The Law Reform Commission is one such undertaking that deserves public support.

Let us look at the record of the Law Reform committee. Its first report got members of First Nations on jury panels. Later reports called for a simplification of mortgage forms so that they were more easily read by the public. The reports also called for the government to protect the rights of individuals. In short, the publications produced by the Law Reform Commission have had a positive impact on the quality of life in Manitoba.

In listening to the member for St. Johns (Mr. Mackintosh), our research office has provided to me an interesting article, Madam Speaker, and it was actually printed by, I take it, Val Werier, who was a former board member, one of the laypeople appointed to the board, and he in this particular article—it was dated April 17, 1997, in the Free Press, and I quote directly from it. It indicates that back in 1987, the NDP

government decided to save money by emasculating the commission and turning its duties over to civil servants. Voted in the next year, the Filmon government fulfilled an election promise to restore the commission.

In that sense, we find it very interesting in terms of the debate from the New Democratic side and the actions from the government side, given that particular perspective, Madam Speaker.

Bill 58 is really this government's attempt to stop the bleeding after it drove a stake through the heart of the Law Reform Commission with Bill 22, The Law Reform Commission Repeal Act. Bill 58 will now allow the Law Reform Commission to hire outside consultants and, according to the minister, give it time to find alternative sources of funding. In this form, the Law Reform Commission will only be a shadow of its former self. It will not be the Law Reform Commission that has served Manitobans so well for the past 25 years.

The government has not been successful at convincing members of the Chamber, in particular members from within the Liberal Party, Madam Speaker, as to the real need for bringing forth this legislation. Thank you.

Madam Speaker: Is the House ready for the question? The question before the House is second reading, Bill 58, The Law Reform Commission Amendment Act.

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

Some Honourable Members: Yea.

Some Honourable Members: No.

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 Yeas have it.

Formal Vote

Mr. Steve Ashton (Opposition House Leader): Yeas and Nays, Madam Speaker.

Madam Speaker: A recorded vote has been requested. Call in the members.

* (1630)

Division

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

Yeas

Cummings, Derkach, Driedger, Dyck, Ernst, Filmon, Gilleshammer, Helwer, Laurendeau, McAlpine, McCrae, McIntosh, Mitchelson, Penner, Pitura, Praznik, Radcliffe, Reimer, Render, Rocan, Stefanson, Sveinson, Toews, Vodrey.

Nays

Ashton, Barrett, Cerilli, Chomiak, Dewar, Doer, Evans (Brandon East), Evans (Interlake), Hickes, Lamoureux, Lathlin, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Reid, Sale, Santos, Struthers, Wowchuk.

Mr. Clerk (William Remnant): Yeas 24, Nays 21.

Madam Speaker: The motion is accordingly carried.

House Business

Hon. James McCrae (Government House Leader): Madam Speaker, I wish to announce that in addition to the bill already scheduled for consideration by the Standing Committee on Law Amendments on Monday, June 23, at 7 p.m., which is Bill 47, the committee will also consider Bill 48.

Madam Speaker: The Standing Committee on Law Amendments for Monday evening, June 23, 7 p.m., to also include Bill 48.

**Bill 50—The Freedom of Information
and Protection of Privacy and Consequential
Amendments Act**

Madam Speaker: To resume second reading debate on the proposed motion of the honourable Minister of Culture, Heritage and Citizenship (Mrs. Vodrey), Bill 50, The Freedom of Information and Protection of Privacy and Consequential Amendments Act (Loi sur l'accès à l'information et la protection de la vie privée et modifications corrélatives), standing in the name of the honourable member for Kildonan.

Mr. Dave Chomiak (Kildonan): Madam Speaker, I would like to put a few words on the record with respect to this bill and indicate why we are concerned about the implications of this bill.

Madam Speaker, I would like to start with an actual case in point with respect to this bill and its companion piece The Personal Health Information Act. We raised a question in the House two days ago with respect to the utilization of personal information, and the Minister of Health (Mr. Praznik), the minister responsible for The Personal Health Information Act indicated that by virtue of Bill 51, The Personal Health Information Act and its companion piece Bill 50, The Freedom of Information Act, that information would be protected from the instances and the examples we cited. Now that is the wrong interpretation. In fact, that information is not protected by either of these bills.

Now in the event that I am wrong in my assertion or the minister is not wrong, it is clear that there is a misunderstanding, there is a need for more information, and there is need for a longer period of time in which to review the implications of this bill. But any realistic review of the bill indicates that the example we cited—and that is the provision of information for use by Pharmacare with respect to personal income tax information—can be utilized by other health branches and agencies within The Personal Health Information Act for other purposes. So it is not protected. So the Minister of Health was wrong. So the government that has brought in this legislation is not even clearly understanding the implications of its bills. So that is another reason why this bill ought to, at a minimum, be given a period of time to allow Manitobans to have the

opportunity to review, debate and discuss the implications of the bill.

Further, Madam Speaker, we have heard—and today there was a press conference by a variety of unrelated groups in opposition to the implications of this bill. One of their main claims was that The Freedom of Information Act amendments restrict further the provision of information. Now we heard very eloquently about the difficulties from the member for Osborne (Ms. McGifford) in her speech, when she related the difficulties the ombudsperson and other individuals have had getting personal information out of this government, and it has been extremely difficult. That is, in fact, what is in place with a bill that is broader in interpretation than the present bill that has been put on the Order Paper by the minister.

I will cite one example—and I know that we cannot go clause by clause, and this can come out in committee—but a review of the old bill, The Freedom of Information bill that we are existing under, the information about advice to a public body, it can only be restricted under Freedom of Information if it goes to cabinet ministers and related—and I cannot get into clause by clause, but it is a narrow interpretation. The new bill restricts almost all information and all advice that can be given to a public body. It just does not restrict to the cabinet. It restricts it to policy opinions and a whole variety of areas. So the new bill is far more restrictive in providing public information to the citizens of Manitoba, and if there is anything the new bill should do, it should actually be broadening acts and broadening information that has been restricted heavily by members opposite and, I might indicate, has been restricted heavily as they move more and more and more along in their mandate, as they become more entrenched, more defensive, and more and more entrenched in an old regime that is bent to only maintaining itself in political office.

Further, there are a variety of interpretations to this act that need scrutiny and that need review, and it begs the question, why is the government reluctant to allow for public discussion of this bill, to allow for a hoist, to allow for a review? If the government is right, if the minister is right and this bill is so favourable to Manitobans, then what would hurt by delaying it a few months to allow Manitobans to voice their viewpoints?

Or, as we suspect, if in fact the intention is to restrict access, which clearly the bill indicates, and clearly the bill is flawed in many ways, then it is clear their intention is to get the bill through and restrict further the kind of information they provide to members of the public, which is a tragedy.

It is not often we cite Alberta in this Chamber as an example to follow, but when Alberta introduced its information act, they submitted a white paper, something that the critic has suggested for some time, submit a white paper, allow Manitobans to comment on it. This is not a normal bill affecting one segment of the population. This affects every man, woman and child in the province. Over a million people are directly affected by this bill. This government is restricting not only access to information once the bill is passed, but they are restricting access by the public to information under this bill.

Madam Speaker, is there such an imperative to have this bill go through at this point? We have existed under the previous bill for some time. The flawed process of review took place. Surely the government can wait several months and allow for feedback. If feedback comes back, let the feedback come back and say, you were wrong. You are wrong. Your interpretation is wrong. The public agrees with the bill. We will accept that. Why are you afraid to put your bill before the public? What are you afraid of? I dare say you are afraid that it will come back from the public, it will be exactly what our analysis is, exactly what the groups who appeared at the press conference said it is, that the bill is flawed, that the bill restricts access and that it will be even more difficult to get information out of this government, and it has been difficult for the past few years. It will be even more difficult once this bill has passed than it is to get information out of the government today.

Madam Speaker, I return to what I mentioned earlier on in my comments. The Minister of Health (Mr. Praznik), and it is understandable, was wrong in his interpretation of the bills yesterday. If the Minister of Health, who is charged with the responsibility of drafting and producing The Personal Health Information Act is wrong then, surely, does that not justify a need for review and an understanding of the act? I dare say, the Minister of Culture, Heritage and

Citizenship (Mrs. Vodrey) is wrong in her interpretation that the bill opens up access. In fact, the recommendations that came in, I am advised, were not even listened to by the minister and her group, her small circle. Clearly, the groups that appeared today strongly indicate that there is not public support for this bill. This bill affects every man, woman, and child in the province of Manitoba. It affects the way government is undertaken in this province. You owe a duty to submit this bill in the form of a white paper to the citizens of Manitoba and allow them to have input.

With those few comments, thank you, Madam Speaker.

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 50, The Freedom of Information and Protection of Privacy and Consequential Amendments Act.

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

Some Honourable Members: No.

* (1650)

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 Yeas have it.

Formal Vote

Mr. Steve Ashton (Opposition House Leader): Yeas and Nays.

Madam Speaker: A recorded vote has been requested. Call in the members.

Order, please. The motion before the House is second reading of Bill 50, The Freedom of Information and Protection of Privacy and Consequential Amendments Act.

* (1700)

Division

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

Yeas

Cummings, Derkach, Driedger, Dyck, Ernst, Filmon, Gillehammer, Helwer, Laurendeau, McAlpine, McCrae, McIntosh, Mitchelson, Penner, Pitura, Praznik, Radcliffe, Reimer, Render, Rocan, Stefanson, Toews, Tweed, Vodrey.

Nays

Ashton, Barrett, Cerilli, Chomiak, Dewar, Doer, Evans (Brandon East), Evans (Interlake), Hickes, Lamoureux, Lathlin, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Reid, Sale, Santos, Struthers, Wowchuk.

Mr. Clerk (William Remnant): Yeas 24, Nays 21.

Madam Speaker: The motion is accordingly carried.

Bill 51—The Personal Health Information Act

Madam Speaker: To resume second reading debate on Bill 51 (The Personal Health Information Act; Loi sur les renseignements médicaux personnels), on the proposed motion of the honourable Minister of Health (Mr. Praznik), standing in the name of the honourable member for Selkirk (Mr. Dewar).

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

Ms. Diane McGifford (Osborne): Madam Speaker, I am pleased to take the opportunity to put a few short

remarks on the record and to support and endorse the remarks made by the member for Kildonan (Mr. Chomiak) yesterday. I think he very eloquently covered most of the bases, but I simply want to add a few remarks to what he said.

Madam Speaker, this morning, I was at a press conference. Now, the press conference this morning was not specifically in connection with Bill 51. Indeed, it was specifically in connection with Bill 50, The Freedom of Information and Protection of Privacy and Consequential Amendments Act, but we see, I think, throughout this Legislature, these two bills as twin sisters.

The remarks this morning, Madam Speaker, about Bill 50, most of the presenters at this press conference were very discouraged and very disenchanted with the process that had been followed by the Minister of Culture, Heritage and Citizenship (Mrs. Vodrey) with regard to Bill 50, but I want to say at this point that the process with regard to Bill 51 was certainly not much better. The minister quoted a discussion paper, and solicitations and submissions were requested. The minister then, at what point he did this, I do not know, but he did create a stakeholders' group which was invited to review the draft legislation, and the review of the draft legislation was something that the Minister of Culture did not allow the public to do with her Bill 50.

So the Minister of Health (Mr. Praznik), to his credit, did allow that step, and that is an important step but not nearly enough, Madam Speaker, because there were no wide public consultations. I think that the Minister of Health recognizes that our confidential and private health records affect each and every Manitoban, and therefore the public should have the opportunity to have some input into this legislation.

I know that even some of the stakeholders felt very left out of the process. I know that, for example, the MMA has been disenchanted with the process and not at all pleased. As well, the College of Physicians and Surgeons, I believe, has some reservations about this legislation, and I am sure that it will be putting those on the record and speaking to the minister directly at the committee hearings, and I am sure that he will be listening.

So one of the main points then is the lack of wide public consultation. The Minister of Health should call for these wider consultations.

Madam Speaker, personally, I think it is quite reprehensible that a private company like SmartHealth, a subsidiary of the Royal Bank, as I think we all know, has its own legislation. First, we had SmartHealth, then the legislation. Surely the order should have been reversed. I suppose, though, the order as it is makes the point that money often speaks louder than words, because it was the corporation for which the legislation was designed.

Madam Speaker, yesterday when the member for Kildonan (Mr. Chomiak) spoke, he pointed to grave weaknesses in this legislation, and he flagged particularly the sensitive information that will go on line. Information that used to be available to a very, very narrow range will now be available to a whole host of people and sources.

For example, he pointed out that Pharmacare is now collecting income tax records. Now, one of the questions is: How widely will this information be available and to whom? Personally, I have always believed that income tax records are sacrosanct, and yet they are now going to be on line for anybody who applies for Pharmacare. This is not the system that was originally designed. The Pharmacare system was not originally designed to ferret out our income tax records and hold us up to ransom this way.

I think it is very scary. I think the threat of electronic invasion is very scary, and I think the public are very frightened of electronic invasion. I was absolutely shocked, Madam Speaker, to learn through some of the research I have done with regard to this bill that there is a shopping list, a published shopping list where a person can write and get electronic data on just about any kind of group of people. For example, I could get a list of people who have been turned down for mortgages or people who subscribe to child pornography. So there is certainly a threat of electronic invasion, and I think the public are very anxious about this bill.

Madam Speaker, the biggest controversy, I suppose, with both Bill 50 and Bill 51, has been the Ombudsman

versus the privacy commissioner, with the government opting for the Ombudsman and the NDP, my caucus, opting for the privacy commissioner. You know, I think it is interesting that that side of the House calls us dinosaurs. I think it is absolutely fascinating, because state-of-the-art legislation in this country in the provinces that are leading in this kind of legislation all have privacy commissioners, not an Ombudsman. So I invite that side of the House to shed their reptilian incarnations and get into the '90s—it is about time—and prepare for the new millennium.

Madam Speaker, the public groups that support a privacy commissioner with regard to the health protection of records act include the MMA. They include MARN, they include MARL, and a host of others whose names elude me at this particular point in time, but we know that these various groups are going to make presentations at the committee stage, and so the Minister of Health who already knows that most of those groups do not favour his legislation can look them in the eye and make his decisions then.

Why do we favour the privacy commissioner? Well, I think, we have brought up these questions. The questions have been brought up repeatedly in Question Period. An ombudsman can comment and recommend but he has not that final power to issue binding orders, whereas a privacy commissioner can issue binding orders. Moreover, a privacy commissioner can comment on the kind of information that is gathered and collected, and he can forbid the collection of certain kinds of information, a point made by the member for Kildonan (Mr. Chomiak) and a very, very important point when it comes to the protection of public privacy.

We all know, Madam Speaker, that the Ombudsman, and the Ombudsman is one of the first persons to recognize it, that the Ombudsman's office currently lacks the resources, that the expertise that is required is not currently available in his office, expertise in health care, for example, and records management. I know that the members opposite have tried to blame this on the NDP, but as I said yesterday the real culprit here is the government who has starved the Ombudsman's office for years and years and years, and I think it is time they started looking truth in the eye.

So, considering the need for public input, considering the need for quiet reconsideration, considering the fact that there is a public demand for a privacy commissioner, I wonder what is the hurry? Why is the government so afraid? And with those remarks, I want to once again endorse the comments made by the member for Kildonan and suggest that this legislation be suspended until the public are thoroughly consulted and can submit their opinions and what kind of legislation they would like to protect their confidential and private health records. With these remarks, I am finished.

Introduction of Guests

Madam Speaker: Order, please. Prior to calling the question, I would like to draw the attention of all honourable members to the public gallery where we have this afternoon thirty-six Grade 6 students from Gilbert Plains Elementary School, under the direction of Mrs. Linda Ballantyne. This school is located in the constituency of the honourable member for Dauphin (Mr. Struthers).

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

* * *

* (1710)

Madam Speaker: Is the House ready for the question? The question before the House is second reading of Bill 51, The Personal Health Information Act. Is it the will of the House to adopt the motion?

Some Honourable Members: No.

Voice Vote

Madam Speaker: No. 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 Yeas have it.

Formal Vote

Mr. Steve Ashton (Opposition House Leader): Yeas and Nays, Madam Speaker.

Madam Speaker: A recorded vote has been requested. Call in the members.

Order, please. The motion before the House is second reading of Bill 51, The Personal Health Information Act.

Division

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

Yeas

Cummings, Derkach, Driedger, Dyck, Ernst, Filmon, Gilleshammer, Helwer, Lamoureux, Laurendeau, McAlpine, McCrae, McIntosh, Mitchelson, Penner, Pitura, Praznik, Radcliffe, Reimer, Render, Rocan, Stefanson, Toews, Tweed, Vodrey.

Nays

Ashton, Barrett, Cerilli, Chomiak, Dewar, Doer, Evans (Brandon East), Evans (Interlake), Hickes, Lathlin, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Reid, Sale, Santos, Struthers, Wowchuk.

Mr. Clerk (William Remnant): Yeas 25, Nays 20.

Madam Speaker: The motion is accordingly passed.

Bill 27—The Public Schools Amendment Act

Madam Speaker: To resume second reading debate on the proposed motion of the honourable Minister of Education (Mrs. McIntosh), Bill 27, The Public Schools Amendment Act (Loi modifiant la Loi sur les écoles publiques), standing in the name of the honourable member for Thompson (Mr. Ashton).

Mr. Steve Ashton (Opposition House Leader): Madam Speaker, we are opposed to this bill.

Madam Speaker: Is the House ready for the question?

An Honourable Member: Yes.

Madam Speaker: The question before the House is second reading of Bill 27, The Public Schools Amendment Act. Is it the will of the House to adopt the motion?

Some Honourable Members: No.

Madam Speaker: No.

Voice Vote

Madam Speaker: All those in favour, 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.

Mr. Ashton: On division.

Madam Speaker: On division.

Bill 11—The Northern Affairs Amendment Act

Madam Speaker: To resume second reading debate on the proposed motion of the honourable Minister of Northern and Native Affairs (Mr. Newman), Bill 11, The Northern Affairs Amendment Act (Loi modifiant la Loi sur les Affaires du Nord), standing in the name of the honourable member for Burrows (Mr. Martindale).

Is there leave to permit the bill to remain standing?

An Honourable Member: No.

Madam Speaker: No. Leave has been denied.

Mr. Oscar Lathlin (The Pas): Madam Speaker, I welcome the opportunity to rise in the House this afternoon to offer some remarks to Bill 11. Bill 11 is a pretty straightforward amendment, from what I read anyway.

I just wanted to say to the Assembly that Northern Affairs, when we talk about Northern Affairs, perhaps a lot of us do not really understand what it means in terms of the people that it is supposed to affect, I mean, The Northern Affairs Act. The Northern Affairs Act deals primarily with our brothers and sisters who are Metis.

Metis people, as most of you will know, come from mixed marriages. A lot of our Metis brothers and sisters also got to be Metis as a result of the provisions of the federal Indian Act, whereby if a treaty Indian woman were to marry a non-Indian prior to 1985, automatically she lost her treaty status, and from there on the woman would be considered as being Metis, not having treaty rights from there on.

As a result of the changes that were made to the Indian Act, effective April of '85, a lot of our brothers and sisters who had lost their status and had been classified as being Metis became treaty again. They regained their status as treaty Indian people.

When that happened, Madam Speaker, we are not just talking about 10, 15 people who regained their status as treaty Indians. We are talking about quite a number of Metis people who became Status Indians and who are now eligible to become members of Indian bands throughout Manitoba and indeed throughout Canada. So the numbers of our Metis people were lessened somewhat when that happened, and, as a result, funding, everything being funded by per capita, a lot of our Metis brothers and sisters lost some funding. Some, as a result of Bill C-31, even lost some of their organizations.

* (1720)

The other thing about Metis people, Madam Speaker, is that when we talk about Metis people amongst ourselves as aboriginal people, we say aboriginal people because we do not distinguish, at least in that sense, the treaty Indian and Metis person. A lot of my relatives are Metis today. Even though my family and I are still treaty Indians, our relatives are still Metis. So it is one community, as it were.

The other thing I wanted to mention about Metis people, Madam Speaker, is that they have a history of

their own in Manitoba. I think it was just yesterday or the day before that we heard one of the speakers mention Louis Riel. Metis people in Manitoba are descendants of Louis Riel. As you know, Louis Riel was a leader of the Metis, formed a provisional government in Manitoba many years ago.

I guess I also wanted to say that the Metis communities that comprise what we refer to as the Northern Association of Community Councils are, in fact, for the most part, communities that are right adjacent to Indian reserves. So since I have been here since September of 1990, the first Estimates process that I went through, I made it a point to mention to the minister at the time or suggest to him that oftentimes when I was chief, prior to coming here, I wanted to enter into a joint project with adjacent Metis communities because it made sense to do it that way, but, somehow, we could never get the two levels of government together, for example in the area of sewer and water, so I often felt that we were leaving the Metis community behind because they had no programs and services, and to this day, they have no programs and services, Madam Speaker.

These communities, if we are talking about Indian reserves, are isolated, and, as I said, most of the Metis communities are right adjacent to Indian reserves. Therefore, most of them are isolated just like the Indian reserves, and, as in Indian reserves, the unemployment rate amongst our Metis brothers and sisters is not different from what you would find in an Indian reserve, that is, that the unemployment rate can go as high as 80 percent to 90 percent.

Now, I wanted to also mention that the Department of Northern Affairs, when I first arrived on the scene here, well, I expected the budget to be actually quite a bit higher than what it was, because I thought that Northern Affairs was a fairly important department, considering the population that it had to work with. Therefore, I thought, well, it must be like Indian Affairs from the federal government side, where they have programming and services for Metis people. As I found out subsequently, the budget for the department then was a little over \$20 million, that is 1990-91. Now it has gone down to just barely I think it is \$17 million right now.

Yet, in Estimates and in Question Period, whenever I have the opportunity to speak to the Minister of Northern Affairs (Mr. Newman), I often ask him how he views Northern Affairs, in other words, what role the Department of Northern Affairs has, what role the Minister of Northern Affairs has in this government here and in cabinet. Of course, they tell me that it has a very important role. But, if it has an important role, Madam Speaker, why then has that importance that is placed on the department not been translated into more meaningful programming and services for the Metis people?

So with those few words, I thank you for giving me the chance to say a few words and then I will sit down and listen to other speakers. Thank you.

Ms. Rosann Wowchuk (Swan River): Madam Speaker, I would like to take this opportunity to put a few words on the record with respect to this bill, The Northern Affairs Amendment Act.

I represent eight Northern Affairs communities, many at different levels of development, some that are ready to incorporate and some that are not ready to incorporate. It was one of the communities in my constituency that has pushed very hard to have this incorporation bill brought forward, and that is the community of Camperville, a community that is under good leadership and has worked to see growth in the community. In fact, Sonny Clyne, who is the mayor of the community, is also the chairman of NACC, the Northern Association of Community Councils, and that is one of the communities that has very much wanted to see this legislation brought forward, because they believe that this will give them more control of their affairs.

Just as we move towards self-government in the aboriginal communities and the treaty side of the communities, as my colleague the member for The Pas (Mr. Lathlin) spoke about, some of the Metis communities are ready to take over the management of their affairs to a greater degree than they are allowed to under the Northern Affairs agreement.

When I think about these communities as well, Madam Speaker, I think that we have to also reflect a bit on northern Manitoba. Many people look at

northern Manitoba as a place of high unemployment, a place that is a drain on the economy of Manitoba but, in fact, that is not true. Northern Manitoba is very rich in resources and lots of revenue is drained out of northern Manitoba to support southern Manitoba, whether it be hydro or minerals or our forests. We have to be sure that we, in turn, when there is a need for services in the North, those are provided, and we certainly have not seen that under this government. In many of the communities, we see high unemployment and, in many cases, need for much more support than we have seen under this government.

We see the government moving toward giving the people the opportunity to have control of their affairs, but when I first heard about this legislation, I wanted to be sure that those communities that were ready to become incorporated would have that opportunity but that there would not be a push on those communities that were not ready yet and that there would be support, as well, because when you move to incorporation there has to be a transition period of several years as people adapt to more of the responsibility and a different way of governing and managing their community.

* (1730)

As I understand it, the Northern Association of Community Councils is satisfied with this legislation, and it will meet their needs. I have to say that there are still people whom I have been trying to contact to just see whether they have any concerns with the legislation, and if there are, Madam Speaker, we will be bringing those when we have the opportunity to hear this bill at committee. Certainly, it is a move in the right direction, but the government has to realize that, along with giving people the power to incorporate, they have to be there to work with them as they adapt to a new process, but they also have to be there to support those communities that are not ready for incorporation.

I urge the government to recognize that some of the actions that they have taken have not had a positive impact on the people in the northern communities, the Metis people who live in most of these communities, and we have to do more. If you put in place legislation to allow for incorporation, you also have to ensure that the people have the tools to deal with that incorporation, and one of the main tools is education.

We have seen less opportunity under this government for people to further their post-secondary education because we have seen cutbacks in funding to programs such as Access.

The other community that, of course, would have comment on this is probably the MMF. The Metis Federation is also an organization that is representative of the Metis community that lives in many of these Northern Affairs communities, and they, too, would also like to see these communities have the opportunity to grow.

So, with those few comments, Madam Speaker, I want to say that we will be looking to hear what the communities have to say, but, certainly, it is one that we would support, as long as the government is also prepared to not force those communities into incorporation that are not ready for it and to be there to continue with financial support as the communities make the transition that will be there as they move from nonincorporated under the jurisdiction of Northern Affairs and into an incorporated community.

Mr. Gary Doer (Leader of the Opposition): I just want to speak on Bill 11 for a moment, and I certainly concur with the comments made by the member for The Pas (Mr. Lathlin) and the member for Swan River (Ms. Wowchuk).

Certainly, the idea of allowing communities to be incorporated—I have listened to communities that have desired this before—makes sense, but as both members have stated before, we want to ensure that over the long haul this is not the ability of the government to “offload” onto those communities and to make some changes that will act in a negative way for their economic and social opportunities in terms of provincial funding.

Madam Speaker, we are also quite concerned about the general nature of this government's approach with organizations and people that are vital to our northern communities affected by this bill. We have raised in the House before the whole issue of the cutback in funding to the Manitoba Metis Federation, and that has resulted, as we predicted in this Chamber, in the layoff of people in communities who were working on economic and social development, people who were

working on projects to allow people to live in dignity and live with opportunity.

So, when we are dealing with this bill, we should remember that this government was more interested in laying off, through the reduction of support and resources, people working in the grassroots Metis communities and reallocating that money to government bureaucrats within the Department of Northern and Native Affairs. It worries us, then, when we look at this bill, which, in essence, should be one which is supported, that we have a government that we have to really watch in terms of what it actually does in terms of its conduct toward the aspirations and hopes and opportunities of people in our Northern Affairs communities.

I cannot understand for the life of me how the government wants to reallocate, as I say, money for a new bureaucracy in their own departments rather than maintaining grassroots people in the Manitoba Metis Federation working in the original setup, working on behalf of people.

So I would ask the government if they are really interested in helping communities. Yes, this bill may help those communities that feel that incorporation is important for them. Certainly, we would not support anything to just use this bill as a green light to reduce money and offload onto communities, and, thirdly, we would want the government to look at some of the priorities it has. I mentioned today the fountain at the back of this Legislative Building. It probably could have supported the Manitoba Metis Federation for about 50 years in terms of the funding they cut off. Maybe those things, grassroots economic development, may be more important than some of the edifices that are supported by members opposite.

So, certainly, I agree with the member for Swan River (Ms. Wowchuk) and the member for The Pas (Mr. Lathlin), but I also think that we have to practise what we preach. We must build bridges of opportunity. We must have the people from the communities work on economic and social development. We think this bill may help some communities, but the cutbacks to some of those very same communities and the layoffs that have resulted are wrong-headed and wrong-hearted.

Thank you very much, Madam Speaker.

Madam Speaker: Is the House ready for the question? The question before the House is second reading of Bill 11, The Northern Affairs 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 42—The Provincial Court Amendment and Consequential Amendments Act

Madam Speaker: To resume second reading debate, on the proposed motion of the honourable Minister of Justice (Mr. Toews), Bill 42, The Provincial Court Amendment and Consequential Amendments Act (Loi modifiant la Loi sur la Cour provinciale et modifications corrélatives), standing in the name of the honourable member for Swan River (Ms. Wowchuk).

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

Mr. Gord Mackintosh (St. Johns): Madam Speaker, we are prepared to see this bill go forward. It certainly contains improvements to how we oversee justices of the peace, updates the regime.

We have a couple of concerns. One, the nominating committee which is responsible for appointing justices of the peace is comprised of the Chief Judge and two people appointed by the Minister of Justice, and we have concerns whether that is in the best possible interest. Of course, it is important that justices of the peace be perceived to be nonpartisan individuals and appointed on the basis of merit, so we will be pursuing that issue with the minister, and we will want to hear from him what other options the government had considered and why they were rejected.

Furthermore, the nominating committee is given the responsibility to establish the criteria for the appointment of justices of the peace and senior justices of the peace, and we wonder why the criteria is not instead set out in legislation. It would be important that although the criteria be flexible, that there be certain standards that are prescribed.

So with those comments, we will see the bill forward.

* (1740)

Mr. Kevin Lamoureux (Inkster): Madam Speaker, I would also like to say a few words on Bill 42. It, in essence, essentially brings Manitoba in line with Canada's Criminal Code. Magistrates will now be called justices of the peace, a term commonly used in most other provinces.

Under this act, the independence of senior judges and justices of the peace who may preside at trials is still maintained. Lower level functionaries, however, are now subject to administrative regulation. I am also happy to see that the act clearly sets out who can be the justices of the peace so as to eliminate any possible conflict of interest.

The act also sets out the procedure by which all justices will be appointed. This will ensure that vacant posts are advertised in local communities, and a step-by-step selection process is to follow. The Chief Judge will be given time to review the impact of some of these amendments and the implications they will have on the justice system.

We think that this type of a move is clearly a prudent response by the government, and we wish that the government took this type of enlightened view more often since most often this government refuses to listen. Legislation like this, however, should clearly be removed from partisan political debate. We must allow the time for reflection and assessment. Good ideas on paper can often be practically very hard to implement.

With those few words, Madam Speaker, we would like to see it go to committee.

Madam Speaker: Is the House ready for the question? The question before the House is second reading of Bill 42, The Provincial Court Amendment and Consequential Amendments Act.

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

Some Honourable Members: Yes.

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

Bill 43—The Law Society Amendment Act

Madam Speaker: To resume second reading debate, on the proposed motion of the honourable Minister of Justice (Mr. Toews), Bill 43, The Law Society Amendment Act (Loi modifiant la Loi sur la Société du Barreau), standing in the name of the honourable member for Swan River (Ms. Wowchuk).

Is there leave to permit the bill to remain standing?

An Honourable Member: No.

Madam Speaker: No? Leave has been denied.

Mr. Gord Mackintosh (St. Johns): Madam Speaker, we have reviewed the interjurisdictional practice protocol and the basis for it. We have looked at whether the public interest is protected in the legislation. Of course, just because the Law Societies across Canada have agreed to the protocol and this basis does not of itself mean that the public interest is protected. What was important to us was to address the questions as to who would discipline a lawyer who practises here from another jurisdiction in Canada, and what codes of professional conduct apply.

There is nothing in the legislation that causes us undue concern at this point, and we are prepared to see it forward to the next stage.

Mr. Kevin Lamoureux (Inkster): Madam Speaker, again to put a few words on the record, the bill before the House will allow the legal practice in Canada and Manitoba to implement reforms that will allow it to better serve Manitobans. It will also permit the Law Societies of Canada to regulate themselves internally in a much more effective way. The bill will also allow for lawyers to practise interprovincially under conditions set forth by the bill and strengthens the internal regulatory mechanisms. The bill gives consumers wider access to legal services and should help Manitoba come in line with other provinces with regard to this matter.

With those few words, we are quite prepared to see the bill go to committee.

Madam Speaker: Is the House ready for the question? The question before the House is second reading of Bill 43, The Law Society Amendment Act.

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

Some Honourable Members: Agreed.

Madam Speaker: Agreed and so ordered.

Bill 45—The Manitoba Evidence Amendment Act

Madam Speaker: To resume second reading debate, on the proposed motion of the honourable Minister of Justice (Mr. Toews), Bill 45, The Manitoba Evidence Amendment Act (Loi modifiant la Loi sur la preuve au Manitoba), standing in the name of the honourable member for Swan River (Ms. Wowchuk).

Is there leave to permit the bill to remain standing?

An Honourable Member: No.

Madam Speaker: No? Leave has been denied.

Mr. Gord Mackintosh (St. Johns): Madam Speaker, we find this bill puzzling, and at this point, given our information, not worthy of support for two reasons. First, the minister has said that it is important that the Crown and the Crown alone have the right to appeal an order for the disclosure of information, which raises a question as to whether the Crown is now concerned about the policy of full disclosure. The minister has used as the reason for this bill a concern that full disclosure for provincial offences has placed enormous burden on departmental time and resources, to use the minister's words. I think that departmental time and resources should certainly be available to ensure that there is full disclosure.

We have in this country some difficult recent history stemming from the lack of full disclosure by the Crown. I think, for example, of the Marshall decision in the East. There are other decisions. It has been of such a concern in Canada that there have been numerous reports including Law Reform Commission reports. I

think of the Martin report in Ontario in 1993, which dealt in detail not just disclosure but also charge screening in resolution discussions. That report acknowledges the importance to the administration of justice of complete disclosure. In fact, the report says that the importance of complete disclosure can scarcely be overstated.

The report said full disclosure is essential to ensure the fair trial of an accused and to enable him or her to make a full answer in defence, which rights are constitutionally protected. Secondly, the report says full disclosure has a beneficial influence on the administration of justice as a whole. Complete disclosure may lead to shorter trials and waived or shorter preliminary inquiries, and it may prevent the unnecessary attendance of witnesses, facilitate resolution discussions, withdrawal of charges and, where appropriate, pleas of guilty.

Even New Zealand has been looking at this issue. They have been commenting that there is the further important advantage from disclosure of increased public confidence in the verdicts of guilt, where both sides have been able to make suitable preparation and with little chance that any significant fact has been kept from the defence.

The minister will be aware of the Stinchcombe decision in the Supreme Court of Canada, which set out how important it is in detail for there to be full disclosure. I think the one conclusion from that case found by the Martin report bears mention in this House; that is, that the fruits of the investigation, which are in the possession of the Crown, are not the property of the Crown for use in securing a conviction, but rather are the property of the public to ensure that justice is done. So I ask how the minister can argue that full disclosure should be challenged or appealed simply because it places a burden on departmental time and resources. There are some very fundamental values at stake here.

The Martin report, as well, went on to say that the principle of disclosure has to apply not only to convictions or to matters under the Criminal Code but also to provincial offences, which this bill deals with. I wonder why the minister has allowed for the right of appeal to the Attorney General of Manitoba and not to the accused from an order for the disclosure of

information. We have received concerns from the defence bar to that provision.

So, Madam Speaker, just based on our concerns about whether the government fails to understand the importance of full disclosure and based on our concern that there is a right of appeal only granted to the Attorney General, certainly it appears to us a one-sided provision. We cannot support this bill at this time, and we welcome the views of the minister in this regard and look forward to comments either now in closing as has traditionally been the practice or at least at committee stage.

Mr. Kevin Lamoureux (Inkster): Madam Speaker, I think, at times it is not necessary to give a 40 minute speech, even though our rules allow for that, so once again I am going to be somewhat brief.

Madam Speaker, this bill will allow accused persons to continue to receive disclosure of pertinent information regarding their case, while allowing the Crown the right to appeal a disclosure order for the proceedings on a provincial level when the demands for disclosure threaten to place a significant strain on the time and resources of the department. The bill gives the Crown the important right of appeal in circumstances of unreasonable disclosure demands, which should play a part in streamlining the judicial process. For that reason, we do support the principle of the legislation and its going to committee.

Madam Speaker: Is the House ready for the question? The question before the House is second reading of Bill 45, The Manitoba Evidence Amendment Act.

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

Some Honourable Members: Yes.

Some Honourable Members: No.

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 Yeas have it.

Mr. Mackintosh: On division, Madam Speaker.

Madam Speaker: On division.

Bill 52—The Statute Law Amendment Act, 1997

Madam Speaker: To resume second reading debate, on the proposed motion of the honourable Minister of Justice (Mr. Toews), Bill 52, The Statute Law Amendment Act, 1997 (Loi de 1997 modifiant diverses dispositions législatives), standing in the name of the honourable member for St. Johns.

Mr. Gord Mackintosh (St. Johns): Madam Speaker, we have noticed over the years that The Statute Law Amendment Act has moved from an omnibus bill to allow for grammatical corrections or changes to section numbers to more substantive amendments to different pieces of legislation. So we have to be very vigilant in this House as to what is in there. So it certainly has become the practice on this side to scrutinize those sections that are set out in the bill.

One disturbing inclusion in the bill was the repeal of The Treasury Branches Act. We just do not think on this side it is appropriate to be repealing whole pieces of legislation in an omnibus bill. We understand that there is agreement from the government to delete that section and come back next session or some later time with a specific piece of legislation to repeal The Treasury Branches Act.

* (1750)

Now, there is a section in this bill that I have very serious concerns about. One section in here repeals a section of The Law Fees Act that provides for in forma pauperis or pauper status certificates that allow the indigent, those that are without means, to have their law fees, in other words, their filing fees, paid for by general revenues, by the public, in order to share the burden on certain individuals of law fees for those who are poor.

The minister says in the description of why that is necessary, that those pauper certificates were rendered obsolete by the establishment of the legal aid services system in Manitoba. [interjection] Well, I have serious doubt that that is the case and that the section is rendered obsolete by Legal Aid. First of all, Legal Aid does not cover every kind of legal proceeding. Second of all, legal aid certificates can be denied to individuals on many bases, not just financial criteria. It was not more than this week that I received a call from an individual who was denied legal aid because that person had dealt with more than three lawyers, and I am told that Legal Aid will deny you a certificate if you had three Legal Aid lawyers. There is a bigger issue there, obviously, that should be addressed.

Furthermore, the reference to legal aid being a reason to argue that pauper status is obsolete neglects the fact that some people represent themselves, and people do have a right to represent themselves in certain forums in this province. So I do not buy the minister's argument one bit. As well, we know that Legal Aid fees have increased, there is a \$25 fee now, and as well, the law fees in Manitoba have been increasing significantly in recent time which can pose an undue burden on the poor and the very poor.

Myself, I am only aware of one instance where pauper status was claimed by an individual, and as a result of that individual's experience, I expressed some concerns to the minister briefly last session. It was my hope that I can more fully explore the system of deciding who is entitled to the benefit of the pauper status section in The Law Fees Act, what criteria have to be met. The individual involved was told that he may be entitled to pauper status in payment of law fees, but he had to show that he had a good case. But he could not show, I understand, that he had a good case without the transcript of another proceeding, and so he was caught. He was not entitled to payment in respect of his transcripts. I became very concerned that there did not appear to be an organized system in place to deal with pauper status applications, and I am using the word "application" generously there because I do not think there is even anything so formal as an application process.

I also have concerns that the ability of the poor and very poor to enjoy the benefit of pauper status in The

Law Fees Act is not known to the public. It is not known to those who may be in need, in need of assistance with their law fees, with their application and filing fees. So I think if there is any change that should take place, it is to formalize that system, put in place criteria that are fair, and, as well, to better make it known to Manitobans that there is not only a Legal Aid system in Manitoba but there is pauper status assistance to pay for court fees and other costs.

I find this section of the bill, therefore, offensive. I find it, again, elitist. I find it placing a disproportionate burden on the very poor. I do not think this is the direction that this province should be heading, not at all. If there is any direction that we should be heading in, it is toward greater access to the courts, whether one is represented or not, whether one is rich, whether one is poor.

Madam Speaker, we cannot support this bill. While certainly there are lots of sections in here that do not cause us any concern at all, this section is so offensive that we strongly oppose this legislation.

Madam Speaker: Is the House ready for the question? The question before the House is second reading of Bill 52, The Statute Law Amendment Act, 1997.

Is it the will of the House to adopt the motion? No?

Voice Vote

Madam Speaker: All those in favour, 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.

Mr. Mackintosh: On division.

Bill 61—The Sustainable Development and Consequential Amendments Act

Madam Speaker: To resume second reading debate, on the proposed motion of the honourable Minister of

Natural Resources (Mr. Cummings), Bill 61 (The Sustainable Development and Consequential Amendments Act; Loi sur le développement durable et modifications corrélatives), standing in the name of the honourable member for Interlake (Mr. Clif Evans).

Is there leave to permit the bill to remain standing?
Yes?

Mr. Stan Struthers (Dauphin): I am glad to be able to rise briefly here today and put a few comments on the record in terms of The Sustainable Development Act, Bill 61, that the government has finally brought forward for the people of Manitoba to debate and discuss.

Madam Speaker, when I was a schoolteacher, I had the distinct honour of working with many, many students, mostly in the high school and junior high level, and I want to say that the young people today and in the 1980s, when I was actually out there schoolteaching, are way ahead of most adults when it comes to the environment and understanding the importance of the environment here in Manitoba.

The young people whom I worked with back in those days would not have been very happy and indeed were not very happy with the draft, the original white paper that this government put forward, the white paper that the government eventually took back or those parts of the white paper, at least, that the people of Manitoba found so very offensive.

Madam Speaker, the young folks that I had worked with in my schoolteaching days would look at the piece of legislation that we have before us today, and they would say that this legislation has been watered down greatly compared to what was originally put forward by this government back in August of 1996. I think the mere fact that the government has had to back off of many of the things that it originally wanted is a tribute to the people of Manitoba who stepped forth, who came forward and said, look, we do not agree with the Conservative government vision in terms of sustainability. We do not think you are on the right track when it comes to your vision of sustainable development, and we do not like what you are doing in the field of the environment.

Young people understand, Madam Speaker, that the decisions that we make today affect us down the road in a very, very negative way if we do not use common sense. The young people that I used to teach in Manitoba in our public school system were not very happy with the kind of things that they saw—

Madam Speaker: Order, please. When this matter is again before the House, the honourable member for Dauphin (Mr. Struthers) will have 37 minutes remaining.

House Business

Hon. James McCrae (Government House Leader): Madam Speaker, might I have leave not to see the clock to make some committee announcements?

Madam Speaker: Does the honourable government House leader have leave for the Speaker not to see the clock in order to make announcements.

An Honourable Member: 30 seconds.

Madam Speaker: 30 seconds.

Mr. McCrae: To announce that in addition to the bills already scheduled for consideration by the Law Amendments committee on Tuesday, the 24th of June, at 10 a.m, which are Bills 21, 33 and 38, the committee will also consider Bills 42, 43, 45, 46, 52 and 58.

I wish also to announce that in addition to the bills already scheduled for consideration by the Economic Development committee on Friday, June 20 at 10 a.m., which are Bills 15, 16, 32 and 39, the committee will also consider the following bills: Bills 11 and 27.

In addition I wish to announce that in addition to the bills already scheduled for consideration by the Economic Development committee on Monday, June 23, at 7 p.m., which is Bill 41, the committee will also consider the following bills: Bills 50 and 51.

Thank you for your indulgence, Madam Speaker.

Madam Speaker: I will quickly repeat the announcements.

The Law Amendments committee on Tuesday on June 24 at 10 a.m. will also consider the following bills: 42, 43, 45, 46, 52 and 58.

The Standing Committee of Economic Development scheduled for tomorrow, Friday, the 20th, at 10 a.m.

will consider those previously scheduled and also consider Bills 11 and 27.

The Economic Development committee on Monday, June 23 at 7 p.m., in addition to considering Bill 41, will also consider Bills 50 and 51.

The hour being 6 p.m., this House is adjourned and stands adjourned until 1:30 p.m. Monday next.

LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, June 19, 1997

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Lamoureux; Filmon; McIntosh	5078		

Mackintosh	5107	Mackintosh	5109
Lamoureux	5108	Lamoureux	5110
Bill 43, Law Society Amendment Act		Bill 52, Statute Law Amendment Act, 1997	
Mackintosh	5108	Mackintosh	5110
Lamoureux	5108		
Bill 45, Manitoba Evidence Amendment Act		Bill 61, Sustainable Development and Consequential Amendments Act	
		Struthers	5112