



Second Session - Thirty-Seventh Legislature  
of the  
**Legislative Assembly of Manitoba**  
**DEBATES**  
and  
**PROCEEDINGS**

**Official Report**  
**(Hansard)**

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The Honourable George Hickes  
Speaker*



**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Seventh Legislature**

<b>Member</b>	<b>Constituency</b>	<b>Political Affiliation</b>
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	Lib.
GILLESHAMMER, Harold	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
MURRAY, Stuart	Kirkfield Park	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren	Lac du Bonnet	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim	Assiniboia	N.D.P.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Joy	Fort Garry	P.C.
SMITH, Scott, Hon.	Brandon West	N.D.P.
STEFANSON, Heather	Tuxedo	P.C.
STRUTHIERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

## LEGISLATIVE ASSEMBLY OF MANITOBA

**Wednesday, May 30, 2001**

**The House met at 1:30 p.m.**

### **PRAYERS**

### **ROUTINE PROCEEDINGS**

### **PRESENTING PETITIONS**

#### **Kenaston Underpass**

**Mr. John Loewen (Fort Whyte):** Mr. Speaker, I beg to present the petition of Irene Raymond, Don Cooper, E. Bisharat and others, praying that the Premier (Mr. Doer) of Manitoba consider reversing his decision to not support construction of an underpass at Kenaston and Wilkes.

#### **Manitoba Hydro Lines Routes**

**Mr. Mervin Tweed (Turtle Mountain):** Mr. Speaker, I wonder if I might have leave to present a petition on behalf of the Member for Springfield (Mr. Schuler).

**Mr. Speaker:** Does the honourable member have leave? *[Agreed]*

**Mr. Tweed:** Thank you, Mr. Speaker. I beg to present the petition of Gordon Glesmann, Wolfgang Luedtke, Phyllis Arnold-Luedtke and others, praying that the Legislative Assembly of Manitoba request that the Minister responsible for Manitoba Hydro (Mr. Selinger) consider alternative routes for the additional 230kV and 500kV lines proposed for the R.M. of East St. Paul.

#### **Kenaston Underpass**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, I beg to present the petition of Doris Dunlop, M. Hamilton, Allan Wright and others, praying that the Premier (Mr. Doer) of Manitoba consider reversing his decision to not support construction of an underpass at Kenaston and Wilkes.

**Mr. Frank Pitura (Morris):** Mr. Speaker, I beg to present the petition of Ray Bouchard, Blaine

Bassett, L. Rigney and others, praying that the Premier (Mr. Doer) of Manitoba consider reversing his decision to not support construction of an underpass at Kenaston and Wilkes.

### **READING AND RECEIVING PETITIONS**

#### **Kenaston Underpass**

**Mr. Speaker:** The honourable Member for Fort Whyte (Mr. Loewen), I have reviewed the petition and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

**Some Honourable Members:** Yes.

**Mr. Speaker:** Clerk, please read.

**Madam Clerk (Patricia Chaychuk):** The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT the intersection at Wilkes and Kenaston has grown to become the largest unseparated crossing in Canada; and

THAT the volume of traffic for this railroad crossing is twelve times the acceptable limit as set out by Transport Canada; and

THAT vehicles which have to wait for trains at this intersection burn up approximately \$1.4 million in fuel, pollute the environment with over 8 tons of emissions and cause approximately \$7.3 million in motorist delays every year.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Premier of Manitoba consider reversing his decision to not support construction of an underpass at Kenaston and Wilkes.

#### **Manitoba Hydro Lines Routes**

**Mr. Mervin Tweed (Turtle Mountain):** Mr. Speaker, I am asking for leave, again, to present

on behalf of the Member for Springfield (Mr. Schuler).

**Mr. Speaker:** Does the honourable member have leave? [Agreed]

The honourable Member for Turtle Mountain, I have reviewed the petition and it complies with the rules and practice of the House. Is it the will of the House to have the petition read?

**Some Honourable Members:** Dispense.

**Mr. Speaker:** Dispense.

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

*THAT the R.M. of East St. Paul has the highest concentration of high voltage power lines in a residential area in Manitoba; and*

*THAT the R.M. of East St. Paul is the only jurisdiction in Manitoba that has both a 500kV and a 230kV line directly behind residences; and*

*THAT numerous studies have linked cancer, in particular childhood leukemia, to the proximity of power lines.*

*WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister responsible for Manitoba Hydro consider alternative routes for the additional 230kV and 500kV lines proposed for the R.M. of East St. Paul.*

### Kenaston Underpass

**Mr. Speaker:** The honourable Member for Charleswood (Mrs. Driedger), I have reviewed the petition. It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

**Some Honourable Members:** Yes.

**Mr. Speaker:** Clerk, please read.

**Madam Clerk (Patricia Chaychuk):** The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT the intersection at Wilkes and Kenaston has grown to become the largest un-separated crossing in Canada; and

THAT the volume of traffic for this railroad crossing is twelve times the acceptable limit as set out by Transport Canada; and

THAT vehicles which have to wait for trains at this intersection burn up approximately \$1.4 million in fuel, pollute the environment with over 8 tons of emissions and cause approximately \$7.3 million in motorist delays every year.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Premier of Manitoba consider reversing his decision to not support construction of an underpass at Kenaston and Wilkes.

**Mr. Speaker:** The honourable Member for Tuxedo (Mrs. Stefanson), I have reviewed the petition. It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

**Some Honourable Members:** Yes.

**Mr. Speaker:** Clerk, please read.

\* (13:35)

**Madam Clerk:** The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT the intersection at Wilkes and Kenaston has grown to become the largest un-separated crossing in Canada; and

THAT the volume of traffic for this railroad crossing is twelve times the acceptable limit as set out by Transport Canada; and

THAT vehicles which have to wait for trains at this intersection burn up approximately \$1.4 million in fuel, pollute the environment with over 8 tons of emissions and cause approximately \$7.3 million in motorist delays every year.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Premier of Manitoba consider reversing his decision to not support construction of an underpass at Kenaston and Wilkes.

**Mr. Speaker:** The honourable Member for Morris (Mr. Pitura), I have reviewed the petition. It complies with the rules and practices of the House. Is it the will of the House to have the petition read?

**Some Honourable Members:** Yes.

**Mr. Speaker:** Clerk, please read.

**Madam Clerk:** The petition of the undersigned citizens of the province of Manitoba humbly sheweth:

THAT the intersection at Wilkes and Kenaston has grown to become the largest un-separated crossing in Canada; and

THAT the volume of traffic for this railroad crossing is twelve times the acceptable limit as set out by Transport Canada; and

THAT vehicles which have to wait for trains at this intersection burn up approximately \$1.4 million in fuel, pollute the environment with over 8 tons of emissions and cause approximately \$7.3 million in motorist delays every year.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Premier of Manitoba consider reversing his decision to not support construction of an underpass at Kenaston and Wilkes.

## INTRODUCTION OF BILLS

### Bill 39—The Archives and Recordkeeping Act

**Hon. Ron Lemieux (Minister of Culture, Heritage and Tourism):** Mr. Speaker, although Bill 39 was filed for notice without an indication that a royal recommendation was required, it has now been determined that the bill does indeed require a royal recommendation. Can you ask the House if there is unanimous consent for me to present the royal recommendation with the first reading motion of the bill?

**Mr. Speaker:** Is there unanimous consent to allow the minister to table the royal recommendation? *[Agreed]*

**Mr. Lemieux:** Mr. Speaker, I move, seconded by the Minister of Advanced Education (Ms. McGifford), that leave be given to introduce Bill 39, the Archives and Recordkeeping Act; Loi sur les archives, and that the same now be received and read a first time.

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

### *Motion presented.*

**Mr. Lemieux:** Mr. Speaker, this bill provides a modern framework for the work of the archives of this province replacing Part II of The Legislative Library Act, Public Records and Archives. It affirms the importance of the archival record, outlines responsibilities of government bodies and the archives in managing government records through time and enables the archives to enter into agreements with the courts, the Legislative Assembly, municipalities, except for the City of Winnipeg, local authorities and private organizations and individuals.

### *Motion agreed to.*

### Bill 41—An Act to Comply with the Supreme Court of Canada Decision in *M. v. H.*

**Hon. Gord Mackintosh (Minister of Justice and Attorney General):** Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Selinger), that leave be given to introduce Bill 41, An Act to Comply with the Supreme Court of Canada Decision in *M. v. H.* (Loi visant l'observation de la décision de la Cour suprême du Canada dans l'arrêt *M. c. H.*), and that the same be now received and read a first time.

### *Motion presented.*

**Mr. Mackintosh:** The Supreme Court of Canada in *M. v. H.* declared invalid the provision in Ontario's family law act giving members of heterosexual conjugal relationships of certain

duration the right to apply to court for orders of support. The court held that the provisions contravened the Charter because it excluded members of same-sex conjugal relationships from its obligations and benefits.

This bill amends Manitoba legislation dealing with support and certain pension and death benefit provisions applicable to persons in all common law relationships to comply with the Supreme Court decision.

***Motion agreed to.***

**Bill 300—The Jewish Foundation of Manitoba Incorporation Amendment Act**

**Ms. Linda Asper (Riel):** I move, seconded by the Minister of Health (Mr. Chomiak), that leave be given to introduce Bill 300, The Jewish Foundation of Manitoba Incorporation Amendment Act; Loi modifiant la Loi constituant en corporation "The Jewish Foundation of Manitoba," and that the same be now received and read for a first time.

***Motion presented.***

**Ms. Asper:** This bill amends The Jewish Foundation of Manitoba Incorporation Act. the key amendments being increasing the number of members on the board of the Jewish Foundation of Manitoba, clarifying the investment powers of the foundation and allowing the board to establish committees to assist in the administering of the affairs of the foundation.

***Motion agreed to.***

\* (13:40)

**Introduction of Guests**

**Mr. Speaker:** Prior to Oral Questions, I would like to draw the attention of all honourable members to the public gallery where we have with us, from Whitehorse Plains School Division, 21 Grades 11 and 12 students under the direction of Mrs. Cindy Chabot. This school is located in the constituency of the honourable Member for Morris (Mr. Pitura).

Also in the public gallery we have, from Souris School, 31 Grade 5 students under the direction of Mr. Glen Wallman and Mrs. Theresa

O'Brien. This school is located in the constituency of the honourable Member for Minnedosa (Mr. Gilleshamer).

Also in the public gallery we have, from Landmark Elementary School, 26 Grade 5 students under the direction of Mr. Russ Dirks and Mr. Tom Koop. This school is located in the constituency of the honourable Minister of Culture, Heritage and Tourism (Mr. Lemieux).

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

**ORAL QUESTION PERIOD**

**Essential Services Act  
Amendments—Health Care Workers**

**Mr. Stuart Murray (Leader of the Official Opposition):** Mr. Speaker, thanks to a leaked letter that we received last year from the Manitoba Federation of Labour to the NDP caucus, Manitobans already know that many changes to the labour legislation are forthcoming from the Doer government. The problem, as we have seen in the past, we just do not know when. Will the Premier please tell Manitobans and this House if they will be introducing changes to The Essential Services Act this session?

**Hon. Gary Doer (Premier):** Mr. Speaker, today we just had an extremely positive announcement where 400 jobs were created in downtown Winnipeg, with the possibility of another 800 jobs. The Leader of the Opposition asked questions in the Chamber before. I have—*[interjection]* Well, the doom-and-gloom party across the way has not been right before; it has not been right now.

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

**Mr. Speaker:** Order.

**Point of Order**

**Mr. Marcel Laurendeau (Opposition House Leader):** Mr. Speaker, Beauchesne's 417 states that we should not provoke debate. When it comes to doom and gloom, it was this member and his troop over there who used to call it the McJobs when we created thousands of them.

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, it was certainly no point of order. The leader is responding with the leaders' latitude and it was merely an interruption.

**Mr. Speaker:** On the point of order raised by the honourable Official Opposition House Leader, at this point I will have to rule that the honourable member does not have a point of order. Manitoba practice under the two previous speakers was to allow leaders' latitude, and I will follow the same unless I am given directions that are agreed to by both House leaders.

\* \* \*

**Mr. Doer:** Mr. Speaker, again last week the investment dealers of Manitoba came out with the very, very positive forecast of the province, both in terms of what was happening in the last 12 months and what is going to happen in the future. I was meeting with CEOs and other members of the Conference Board last Thursday night. This topic of labour law did not come up. All the predictions again about the sky is falling from members opposite were not true. The member opposite has questioned me in my Estimates on this issue, and he knows the words I gave him in those Estimates.

\* (13:45)

**Mr. Murray:** Certainly, on the Premier's comment about 400 jobs, it is absolutely fantastic for Manitoba. I am only disappointed that they did not think about it as important enough to make a ministerial statement.

Mr. Speaker, recently the Manitoba Nurses' Union passed a resolution calling on the Premier to follow through on his promise to abolish The Essential Services Act. Will the Premier confirm if he will be responding to the MNU's request by pulling the health care sector from The Essential Services Act and creating a separate health essential services act this session?

**Mr. Doer:** Mr. Speaker, if we were to get up on ministerial statements on job creations we would be taking up too much time with all the positive announcements that we have been making. We would rather have your one-trick-pony announcement on infrastructure be the issue of the day.

In all seriousness though, Mr. Speaker, the issue of essential services in the health care sector is a very important one. We believe that life and limb must be protected in a health care dispute. We have situations—in fact, a year ago today I was in Brandon, and there was an "illegal strike" in Alberta with their "essential services act" legislation.

We, Mr. Speaker, know that there have been agreements in the past. In fact, I think Mr. Cam McLean dealt with an agreement long before legislation was introduced in this House on life and limb protection for patients. When there is a clash between the principles of free collective bargaining and the universal access to health care, life and limb protections must be there, and as long as we are in government they will be there.

**Mr. Murray:** Mr. Speaker, last year the Doer government introduced legislation that drove a wedge between business and labour. This legislation was not welcomed by a majority of Manitobans, but the Government rammed it through anyway. Now this Premier has turned his sights on some of society's most vulnerable members, and that is patients in the health care system.

Mr. Speaker, can the Premier guarantee Manitobans that he will not water down The Essential Services Act and jeopardize the very lives that this health care system is supposed to protect?

**Mr. Doer:** As I said, long ago, I think it was Mr. Cam McLean, along with the administrators of two major hospitals, who dealt with a made-in-Manitoba solution on essential services. We support the protection of life and limb services in health care. Some of the provisions that are in the existing act have sections that make people working in a greenhouse an essential service. It has all kinds of discrepancies between what is essential for life and limb versus what is not essential for life and limb in the health care sector. Mr. Speaker, life and limb services will be provided by any legislation that we would consider in the future of this province.

**Mr. Speaker:** The honourable Leader of the Official Opposition, on a new question.

\* (13:50)

**Mr. Murray:** On a new question, Mr. Speaker. Thank you very much. We have obtained a copy of the Doer government's proposed legislation that will remove health care workers from the existing Essential Services Act and place them under a separate act called the health services essential act.

According to the proposed legislation, in the event of a work stoppage where management and labour cannot come to an agreement as to what essential services are, the authority to make that decision will now rest with the Labour Board. Rather than have either health care professionals, those that would know best, determine who is essential for safe patient care, can the Premier explain why he is going to impose new legislation that will leave the decision making with the Labour Board?

**Mr. Doer:** Mr. Speaker, first of all, the material that the member opposite is alluding to is not material that is before this Legislature. There is nothing at this point on the Order Paper.

Mr. Speaker, even in the last round of collective bargaining we in fact have now an agreement for future contracts for correctional officers that would allow us to have arbitration as opposed to the unilateral provision of strike. So we, obviously, care about the public concerns in these areas. Members opposite will recall the amendments dealing with arbitration for teachers. Life and limb services for patient care will be protected under any legislation that we would ever even contemplate.

**Mr. Murray:** Mr. Speaker, as it stands right now, existing legislation allows for health care professionals to make the decisions as to who is essential in the event of a strike, always looking for the safety of the patients. Considering health care needs can change rapidly, how is the Labour Board going to adequately respond to the ever-changing needs of all of our hospitals, the ICUs and the ERs?

**Mr. Doer:** Mr. Speaker, that is a hypothetical question. Having said that, the Labour Board adjudicated all the votes that the members opposite imposed upon employees in Steinbach, Winkler, Morden, a number of other communities, under their legislation. They had the Labour Board impose votes.

Under the law now, the Labour Board, which I should say, by the way, is chaired by an individual that has been the chair of the Labour Board all through the last 11 years under the Tory administration. Members opposite will conveniently put out press releases about the "government-appointed Labour Board." The chair has been there for 13 years, more years under the previous administration than our administration, and the Labour Board, after that, is made up of an equal number of labour and management. Included in management are members of health care management.

Having said that, there is no proposed legislation before the Legislature right now, so all the questions and answers are hypothetical.

**Mr. Murray:** It may be hypothetical, but we are asking the question of this Premier: When is it coming? Because it is inevitable, as we saw in the last go-around, they are going to drive the wedge. That is what they are all about on the other side, Mr. Speaker.

Mr. Speaker, the Premier knows the essential services agreements are negotiated so that in the event of a work stoppage, in the event, the hospitals and health care facilities will be able to provide patient care on a safe basis, because they are the ones under the circumstances that would know best what is right for safety of the patients.

Can the Premier, does he understand and does he believe that, under the legislation that they are proposing and that we understand is going to come into this House, the Labour Board is capable of understanding the needs of a complex ICU or doing heart surgery or the needs of an ER responding to a multicare accident or isolated hospitals or the many other situations that clearly, clearly, the health care professionals are the ones that can better understand rather than the Premier?

\* (13:55)

**Mr. Doer:** Just a moment ago he said the Labour Board, now he says the Premier. I do not know what section of a document he has where the Premier would make these decisions.

Mr. Speaker, I am not sure whether the member opposite was involved in 1991, but

there was a strike of nurses that took place. It took place over a long and protracted period of time under the former government's administration. Having said that, it took place under a set of agreed-upon principles that were arrived at by health management and the nurses' organization. Patient care was maintained. ICU care, emergency care, care dealing with life and limb was maintained, in spite of the 31-day anti-nurse attitude of the former government.

In essential services situations, you have management wanting everybody to be essential and unions wanting no essential services legislation. We believe that essential services must be protected. Life and limb must be protected. We will not be ascribing to either one of these extremes, but I also should point out that, if you do have essential services legislation, if you do not have any way to resolve it, you have to have a body that can resolve it. In their legislation, for example, we had the former government scope in the ambulance attendants in the city of Winnipeg. There was no arbitration process, like there was with firefighters. So legislation without remedy is also inadequate legislation, Mr. Speaker.

#### **Essential Services Act Amendments—Health Care Workers**

**Mr. Harold Gilleshamer (Minnedosa):** During the 1990s, the previous government strengthened The Essential Services Act relative to health care services. Union bosses and the NDP members spoke against it, voted against it and criticized it. Can the Premier (Mr. Doer) explain why he wants to go back to the days when union bosses make those decisions instead of health care workers?

**Hon. Dave Chomiak (Minister of Health):** I think the preamble that was entered into by the member opposite is not accurate in terms of its assessment. The argument as to whether it was strengthened or weakened is certainly a relative thing, based on how one views the principle. But the principle, beyond all, must be maintained in any essential services agreement, as the life and limb must be protected.

**Mr. Gilleshamer:** With the greatest of respect, Mr. Speaker, the Minister of Health is

wrong. Members opposite spoke against that legislation, voted against that legislation. Why would you put patient safety at risk by changing this legislation now?

**Mr. Chomiak:** I am not going to comment on a speculative statement. Factually, Mr. Speaker, the member opposite argued about a particular bill that was put in place, and we were not in favour of that particular legislation. We have always been strong proponents of life and limb legislation and essential services. It is essential for not only the protection of patients and all involved in the health care system, but also may be a more effective way of dealing with collective disputes.

**Mr. Gilleshamer:** The only people opposed to the existing legislation are the union bosses and members opposite. Why would you put patient safety at risk by doing away with that legislation to bring in watered-down legislation to bow to union bosses?

**Mr. Chomiak:** Unlike many of the measures that were taken during the 1990s, we do not and will not do anything that will put patient safety in jeopardy.

#### **Health Sciences Centre Out-patient Pharmacy**

**Mr. Larry Maguire (Arthur-Virden):** On May 10, a number of families affected by the closure of the out-patient pharmacy at the Health Sciences Centre cornered the Minister of Health in the hallway and forced him to meet with them. Since that meeting, the minister has done nothing to address the concerns of these families whose children are battling cancer.

Given the comments that we have just heard about life and limb protection that must be there in health care situations, can the Minister of Health explain to the families affected by this closure, many of whom are again with us here in the gallery today, why he has taken no action to alleviate their concerns?

\* (14:00)

**Hon. Dave Chomiak (Minister of Health):** A week before the member brought people to the

gallery, I did have occasion to talk several days before with some of the parents and undertook that we would do a review with the WRHA with respect to the situation. That day, when the member had people in the gallery, Mr. Speaker, I met with those people. I discussed the issues with them in the caucus room and undertook that we would put in place a process to review their concerns and try to find a solution.

At that time, we put in place a solution that is in fact proceeding. There have been meetings held, as I understand it, with a—*[interjection]*

**Mr. Speaker:** Order.

**Mr. Chomiak:** I will answer next time when the member asks, Mr. Speaker.

**Mr. Maguire:** What does the minister have to say to the family that had to go to four other pharmacies across the city to get medication for their children, because the Misericordia pharmacy was unable to fill their prescription, if so much has been done?

**Mr. Chomiak:** Mr. Speaker, on May 22 WRHA representatives Réal Cloutier and Kevin Hall met with nine members of the pediatric oncology patients advocacy group to discuss pharmacy service provision for pediatric oncology patients. The advocacy group noted the current system, which uses CancerCare Manitoba pharmacists to co-ordinate activities, does not meet their needs. Specifically, they are concerned about limited hours of operation, lack of parking facilities at Misericordia Health Centre and continued need for access to 24-hour emergency backup service.

In the course of the meetings, the WRHA representatives pointed out to them that they are reviewing the situation, Mr. Speaker.

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

**Mr. Speaker:** Order.

**Mr. Chomiak:** Mr. Speaker, the member has asked the question, and I am attempting to give an answer if he will permit me.

I understand that further meetings have been scheduled with respect to dealing with this issue.

**Mr. Maguire:** Well, Mr. Speaker, under the title of sensitivity: Can the minister explain why a doctor was reprimanded for writing directly to him regarding the risk to young patients and the inconvenience to the families the closure of the Health Sciences out-patient pharmacy has caused? Is it because the Minister of Health does not like receiving letters from doctors outlining their concerns with his mismanagement?

**Mr. Chomiak:** Mr. Speaker, we receive dozens, perhaps hundreds of letters on a regular basis. We take all the correspondence very seriously. We do follow up on concerns.

With respect to this particular issue, as I indicated to the parents and the children when I met with them, we would do follow-up. We have undertaken follow-up. We are continuing to do follow-up with respect to resolving the issue in the best interest of the patients and the overall system.

#### **Health Sciences Centre Out-patient Pharmacy**

**Mrs. Myrna Driedger (Charleswood):** Mr. Speaker, Matt Verhay, who is in the gallery today with his mom, Sally, was scheduled to begin chemotherapy treatment last night, but Matt's treatment almost did not take place because somewhere along the line his prescription got lost in the shuffle. Luckily, the Health Sciences Centre was able to scramble last night and find enough of the required medication so that Matt could begin his treatment last night.

Can the Minister of Health explain to Matt and Sally Verhay why he failed to put a plan in place before he allowed the Health Sciences Centre out-patient pharmacy to close so that incidents such as this would not have to happen to children?

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, members opposite have raised several incidents with respect to the out-patient pharmacy, which was one of the reasons why we said we would reconsider the decision that was made by the WRHA with respect to this particular operation. In the first instance, when the mother indicated there was a difficulty with

the filling of the prescription, we did a follow-up, and we were unable to confirm that.

The second time there was a difficulty which we followed up on, and I would appreciate it if the member would forward that information to me. We would follow on it.

**Mrs. Driedger:** Mr. Speaker, I would like to ask the Minister of Health why he has put the health of children with cancer in jeopardy by failing in the first place to put a proper and concrete plan into place before he even went the step to close the Health Sciences Centre out-patient pharmacy? Why did he not plan for this better?

**Mr. Chomiak:** Mr. Speaker, the WRHA put a proposal together with respect to the HSC pharmacy, as I understand it, because of inability to attract and keep pharmacists at the HSC. They put in place a program that they worked on for some time with respect to allocating resources to Misericordia pharmacy. With the best intentions, they thought co-ordinating activities, which is something that has been recommended in fact in the Thomas report, would work best. When problems were raised in this Legislature, I indicated we would review that decision, we would reconsider that decision, we would look at other options, and that is in fact what we are doing.

**Mrs. Driedger:** I would like to ask the minister when will he stop dragging his heels on this issue and immediately reopen the Health Sciences out-patient pharmacy so that the safe care of children is no longer compromised. This is about children, Mr. Speaker. When will he stop dragging his heels on this?

**Mr. Chomiak:** As I indicated, Mr. Speaker, when this matter was brought to our attention, we put in place a process to review the situation. It is also a wider issue with—*[interjection]* I do not know if members are aware of it or even care, but in fact there are other issues with respect to other patients with respect to other pharmaceutical needs that have to be looked at across the entire system that are also being looked at. We have taken steps to review the situation and try to accommodate the parents and their families. I have met with the families, the

WRHA has met with the families to look at what—

**An Honourable Member:** Where is the service for them then?

**Mr. Chomiak:** The WRHA has met with the families to hear what they have to say, what their recommendations are. Those will be considered with respect to options that could be provided.

### Health Sciences Centre Out-patient Pharmacy

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, my question is to the Minister of Health. When it comes to health care, both prevention and treatment are important and the Minister of Health is responsible for leadership on both fronts. Today on the one hand we hear that more Manitobans are smoking, up from 23 percent to 26 percent on the minister's watch, leading clearly to more problems with health care and cancer. On the other hand, in treatment we hear there are more problems in the continuing shuffle care for Manitoba children with cancer, including a patient who had to go to four different pharmacies and was out of pocket quite a large sum of money before things were done.

I would ask the minister: Why is it that both prevention and treatment seem to be getting worse on his watch?

**Hon. Dave Chomiak (Minister of Health):** Mr. Speaker, this Government has undertaken more preventative measures than any government in a decade. We put in place a PACT program for the first time in a decade that was rejected by members opposite. We put in place a community-based—

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

**Mr. Speaker:** Order.

**Mr. Chomiak:** We put in place an eating disorders program in the community that was rejected by members opposite. We put in place a campaign—

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

**An Honourable Member:** Let him answer.

**Mr. Speaker:** Order.

**Mr. Chomiak:** We put in place a preventative child injury campaign with respect to child injuries, and as I indicated, when the issue with respect to the pharmacy was raised in this Chamber, I indicated that we would do follow-up, and we are continuing to do that.

\* (14:10)

**Mr. Gerrard:** My supplementary to the Minister of Health. Among the options that we understand was initially considered was to use the Shoppers Drug Mart instead of Misericordia. I would ask the Minister of Health whether he would confirm that he closed down that option initially because it seemed to be private health care as opposed to public health care.

**Mr. Chomiak:** No, Mr. Speaker.

**Mr. Gerrard:** My second supplementary. I would ask the minister, and we know there are bad care days every once in a while, but let us get to the meat of the matter. When are you going to solve this issue? When are you going to provide a simple and effective system for children with cancer to be able to get their drug therapy easily and without these sorts of complications?

**Mr. Chomiak:** Mr. Speaker, as I indicated in the previous responses to this question, both today and on previous occasions when the issue was brought to our attention, we put in place a process to talk with all the participants to gauge the views and concerns brought forward by both doctors, administrators, people in the system, pharmacists and others, to look at what would be the best option and the best solution to deal with this situation.

I should add this is part of the larger issue, Mr. Speaker, with respect to pharmaceutical dispensing and application in a number of other areas. I indicated that there was a meeting on May 22 with the patients' advocacy group. There are further meetings planned with respect to recommendations as to how to improve the

situation, which we are working on as quickly as possible.

### **Nursing Profession Full-time Employment Opportunities**

**Mrs. Heather Stefanson (Tuxedo):** Mr. Speaker, clearly the Doer government today is once again proving that when it comes to health care, the members opposite are all talk and no action. This morning Jan Currie of the WRHA stated in a radio interview that only 40 percent of nursing graduates in the province found full-time work last year. She also admitted that the province has to do more to place nursing graduates in our province.

Mr. Speaker, I ask the Minister of Health if he will confirm that a full 60 percent of nursing graduates were unable to find full-time work in our province?

**Hon. Dave Chomiak (Minister of Health):** The U of M survey that the member referenced noted, and I want members opposite to note, that in the past two years just six out of two hundred and twenty-seven graduate nurses have moved out of the province. I will repeat that for members opposite. In the past two years just six out of two hundred and twenty-seven graduate nurses have moved out of the province, Mr. Speaker, which I suggest is a significant change from common practice that occurred during the 1990s after members opposite devastated the nursing profession.

**Mrs. Stefanson:** Mr. Speaker, the Minister of Health has clearly just admitted that people are leaving our province for opportunities elsewhere. What does he plan to do to keep those people here in Manitoba?

**Mr. Chomiak:** I do not think the member understood the response. We have reversed the trend on nurses leaving the province, Mr. Speaker, and in the last two years just six out of two hundred and twenty-seven graduate nurses have moved out of the province compared—*[interjection]* Just six out of two hundred and twenty-seven have left the province, which is a complete reversal from what happened during the devastation during the 1990s.

**Mrs. Stefanson:** Mr. Speaker, will the Minister of Health, given the nursing shortage in Manitoba and given that some of these nurses, which he has admitted to today, have left our province to seek opportunities elsewhere, will he now admit that his nurse recruitment and retention plan is ineffective and fails to retain nursing graduates for full-time positions here in Manitoba?

**Mr. Chomiak:** Mr. Speaker, for the first time in a decade, this province has doubled the number of nurses in education and training from the devastation. We have more nurses in training, almost double that which occurred during the nadir, the doldrums of the last government's years.

Also, we put in place significant recruitment and retention strategies to deal with nurses, including \$3 million in education support that was provided to nurses for upgrading, the return of the diploma program that had been cut and slashed by members opposite when they totally eliminated against opposition all of the diploma programs in this province, an expansion of LPNs, including LPNs within the acute care sector. We are doing better on full-time nurses than the members did when they were in government.

#### Physician Resources Rural Manitoba

**Mr. Mervin Tweed (Turtle Mountain):** Mr. Speaker, while the Doer government is busy patting itself on the back in regard to doctor retention plans, doctors are still leaving. Brandon is losing four family physicians by the end of August, and we are told it is in part because of high taxes, poor working conditions and the stress of staff shortages.

We now learn that Brandon has recruited two physicians from the Hodgson area. My question for the minister is: Can he advise the people of Hodgson, where the two doctors are leaving to go to Brandon, where they are supposed to go for medical attention?

**Hon. Dave Chomiak (Minister of Health):** As I said on many occasions in this Chamber, when we came to office we realized the devastation

that was put in place by members opposite with respect to doctors. Consequently, for the first time in a decade, we have increased the number of students at the Faculty of Medicine from the cuts that occurred in the 1990s. We also increased the number of residency positions, including nine residency positions for family physicians in rural and northern Manitoba in order to retain and recruit people in rural and northern Manitoba.

We also recently announced a loan program designed to have both graduate students, residency students and third- and fourth-year students practise in underserviced areas in return for a loan or grant provided to them, which has also been very well received by people in the community and is designed to do something that did not happen over the past decade, and that is, build up the base of Manitoba doctors practising in Manitoba to make them available for small and rural and northern communities.

**Mr. Tweed:** I am sure that is great consolation for the people of Hodgson.

My question is: Does the minister condone the poaching of two doctors from Hodgson to serve Brandon?

**Mr. Chomiak:** There are some difficulties with respect to the health care sector in terms of recruitment from one region to another. From my understanding and canvass and scan of that particular area, it has decreased. There is more co-operation and co-ordination, particularly when regions now know that the Government actually believes in training doctors and retaining doctors, not cutting and letting them go away.

**Mr. Tweed:** Then I would ask the minister what he says to the Member for Concordia, the now-Premier (Mr. Doer), who on hearing an answer like that, talking about Brandon recruiting from Winnipeg, said: We have the community of Brandon raiding the community of Winnipeg for doctors.

What kind of success is that?

**Mr. Chomiak:** Mr. Speaker, I am very pleased to note that both this year and last year in the

latest statistics, Manitoba has 26 more doctors net this year and 26 more doctors last year. Obviously, there have been problems. There is going to continue to be problems that have built up over a decade, but we are taking steps to plan for the future. I think it is recognized that we are actually rebuilding an infrastructure that was devastated and just left in terrible condition by wrong-sighted and short-sighted attitudes of members opposite when they cut the number of doctors' enrollment, when they cut the number of residency positions and when they closed 1400 acute care beds in the province of Manitoba, and then they brought in Connie Curran.

#### **Health Care Facilities Security Staff Reduction**

**Mrs. Bonnie Mitchelson (River East):** Mr. Speaker, we know that hallway medicine is alive and well, and now highway medicine is alive and well under this minister and this Doer government.

The WRHA has decided to cut the number of security guards on duty in hospitals, even though the Manitoba Nurses' Union continues to express concern about verbal and physical abuse nurses experience on the job. My question is for the Minister of Health: Why is this minister supporting the WRHA's decision to reduce security staff?

\* (14:20)

**Mr. Chomiak:** Mr. Speaker, I know that the member opposite would not want to have inaccurate information on the record. I just want to point out that today in Manitoba in terms of Winnipeg hospitals, there is zero patients in the hallways in comparison to eight last year.

Mr. Speaker, the issue of security has been a major concern. I can recall in fact reports in the 1990s that were just not adhered to. Recommendations of a report from the Manitoba Nurses' Union dealing with that issue that were tabled in this Legislature were totally ignored. That is one of the reasons why we put in place a comprehensive nursing plan that looked at life and task force recommendations with respect to dealing with nurses in matters of that kind.

**Mrs. Mitchelson:** Mr. Speaker, I wonder if the Minister of Health could tell us, the nursing

advisory task force report, which has not been released and is long overdue, whether there is a recommendation there that says that we should be cutting security staff in our hospitals.

**Mr. Chomiak:** Mr. Speaker, with respect to the issue of security, it is an issue of concern. A report was undertaken by the WRHA, which looked at recommendations with respect to security. I believe it was called the Evans report. An advisory committee was put in place to look at the recommendations of that report, that had representation from a variety of management, labour, a number of unions, with respect to recommendations as to how to best improve the security across the city of Winnipeg.

**Mrs. Mitchelson:** Mr. Speaker, but the minister did not answer my question. His own nursing advisory board, have they recommended the cuts to security in our hospitals that the WRHA has recommended? Do they support it or not?

**Mr. Chomiak:** Mr. Speaker, the WRHA and other reports recommend enhancing security, improving the security situation across the city of Winnipeg hospitals. In fact, I should tell the member, it is broader than just the city of Winnipeg.

She should not just focus on Winnipeg. There are issues all across the province, and she ought not to just focus on Winnipeg because in northern Manitoba there are security and safety problems, in rural Manitoba. There are concerns across the province in relation to security that are a concern to not just nurses, but to all people who work in the health care profession, to a variety of people in the health care profession, administrators and otherwise, and we are intent on improving the situation.

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

#### **MEMBERS' STATEMENTS**

##### **Morris Youth Job Centre**

**Mr. Frank Pitura (Morris):** Mr. Speaker, the Morris, Manitoba, Youth Job Centre, opened recently, is once again fulfilling its mandate to provide summer employment to students and youths in the community. Such centres across Manitoba are celebrating their 26th year of

successfully supporting youth employment in Manitoba.

The Morris centre opened on May 7, and will serve the communities of Morris, Brunkild, Oak Bluff, Rosenort, Starbuck and many others in the area throughout the summer months. The Morris Youth Job Centre is designed to meet the employment needs of our students and youths, as well as the needs of our employers who have vacant positions to fill by offering a free referral service to those who wish to hire an eager, hardworking young person.

The Youth Job Centre's mandate is to assist students and youths who are seeking part-time, full-time or casual summer employment. Employers of all types are encouraged to take advantage of this free service. Furthermore, the job centres are also available to provide help with resume writing, job search or interview skills.

I would like to wish the Morris Youth Job Centre and all other youth job centres a successful 26th year as they provide an essential service to students, youths and to countless businesses throughout the province. Thank you, Mr. Speaker.

#### Student Appreciation Barbecue

**Mr. Harry Schellenberg (Rossmere):** Mr. Speaker, I was recently invited to attend the John Henderson Junior High second annual Student Appreciation Day Barbecue. This school is located at 930 Brazier Street in East Kildonan, which has a population of 460 students.

I was invited as a guest cook, and I certainly enjoyed flipping hamburgers with students and staff. Others that were invited and in attendance were the local trustees, the assistant superintendent, former teachers who have retired, the Member for Elmwood (Mr. Maloway) and local businesspeople.

Although this was a school event, it is also a community event. The school's track and field day is usually held to coincide with this event, but as the result of rain it was postponed this year. The motivation for the event was to congratulate students on their academic achievements, school morale and dedication and

maintaining the school motto, "A Tradition of Excellence."

As a former teacher of many years in the River East School Division, I was impressed with the school. One could sense the good morale among students and staff, as well as the good rapport between teachers and students. The school certainly has developed a sense of community which is so important to our youth today. The school has also recognized and shown appreciation to students by having a Wall of Fame which recognizes academic and athletic achievement of students.

I enjoyed the special day which showed appreciation by celebrating the achievement of our young people. I commend Mr. John Muller, the teacher student-council adviser, Principal Vivian Saftiuk, Vice-Principal H. Reynolds and staff for this special day and for their good work at John Henderson Junior High. Your good work will be remembered. Thank you.

#### Economic Situation in Rural Manitoba

**Mr. Jack Penner (Emerson):** Mr. Speaker, I rise today on a matter that is of deep concern to many people in rural Manitoba. It is an issue that has been ongoing for a number of years now, and that is the declining economic situation in all of rural Manitoba. A young farm family came to me over the weekend and said: That is it, we are gone. I hear this message time and time again, young farmers leaving.

Today or tomorrow we will have the Prime Minister of Canada in the province of Manitoba. If the Prime Minister would have chosen to meet, as requested, with farmers and farm leaders to discuss this matter, one could see that the Prime Minister of our country had a heart. Yet we were told the Prime Minister will not be attending to the affairs of the agricultural community and the desolation that is pending in rural Manitoba. Instead he will go to see an opera or some dancers. I think that portrays the essence of how much concern the Prime Minister of Canada has for this province and the farmers of this province and rural communities in the province of Manitoba.

Had the Prime Minister chosen to meet with those community leaders, with business leaders

and farmers to discuss the economic disaster that is currently going on in the oilseed and grain seed sector, one would have given some praise to the Prime Minister. Yet people and farmers, a group of farmers that asked for an audience with him were told that if they paid \$350 per plate for a dinner they might get to say hi to him. I think, Mr. Speaker, it is clearly an indication of what kind of a disastrous situation we have in this province in response to the leadership in federal and provincial relations. I think that has deteriorated dramatically, and I think we need to address that at some point. I criticize the Prime Minister for not meeting.

#### **Ms. Janice Y. Lederman**

**Mr. Doug Martindale (Burrows):** Mr. Speaker, it is with pleasure that I rise today to pay tribute to Ms. Jan Lederman, the former chair of the United Way of Winnipeg's board of trustees. She was presented with the André Mailhot Award at the United Way of Canada/Centraide Canada's national conference in Québec City on March 24, 2001. It is given to one individual annually, and this year Ms. Lederman was honoured with being the recipient of this award.

She was involved for eight years with the United Way of Winnipeg and spearheaded a community involvement initiative called Journey Forward which engaged people to look at social issues most important to them and to Winnipeggers and to find ways to work together to address these issues, which I might point out involved some 3000 people. This culminated in the Willing Community Forum in November 2000 which was considered a model across Canada and the United States. Ms. Lederman is a very deserving recipient of this award. She is also bright, articulate and personable as an individual. On behalf of all members, I would like to thank her for her volunteerism and her leadership with the United Way of Winnipeg.

\* (14:30)

#### **Thomas Report**

**Hon. Jon Gerrard (River Heights):** Mr. Speaker, last week Paul Thomas tabled the report of the Review and Implementation Committee for the report of the Manitoba Pediatric Cardiac Surgery Inquest. Yesterday the Minister of Health (Mr. Chomiak) suggested in his comments that the Thomas report dealt only

with the period 1994 to 1995. A read of the report shows that Paul Thomas is dealing with the present situation when he says clearly: Where provincial leadership and involvement ends and the responsibility of the RHAs begins is not clear.

Again, Paul Thomas says: The exact nature of the working relationship between the two parties—he is referring to the minister and the regional health authorities—is not clear.

It is a real disappointment that the Minister of Health has not in 20 months been able to clarify the relationship between himself, as minister, and the regional health authorities. This relationship should have been made clear within the minister's first two months in office.

Ending the overlap and duplication is essential, as Paul Thomas indicates, in order to achieve cost savings and to clarify accountability. It is time for the Minister of Health to clarify the present overlap and blurred accountability. It is time for the Minister of Health to attend to what he should have attended to as one of his first tasks when he assumed office.

### **ORDERS OF THE DAY**

#### **House Business**

**Hon. Gord Mackintosh (Government House Leader):** Mr. Speaker, before dealing with the routine for today, would you canvass the House and determine if there is consent to adjourn today at 5 p.m.?

**Mr. Speaker:** Is there agreement to adjourn at 5 p.m. today? *[Agreed]*

**Mr. Mackintosh:** Mr. Speaker, would you please call bills in the following order: First, second readings, Bills 27 and 30; second, debate on second readings, in this order, please, Bills 11, 19, 12, 14, 15 and 29; and then return to second readings, Bill 25, and we will take it from there.

### **SECOND READINGS**

#### **Bill 27—The Manitoba Hydro Amendment Act (2)**

**Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act):** Mr. Speaker, I move, seconded by the

Minister of Transportation and Government Services (Mr. Ashton), that Bill 27, The Manitoba Hydro Amendment Act (2); Loi no 2 modifiant la Loi sur l'Hydro-Manitoba, be now read a second time and referred to a committee of this House.

***Motion presented.***

**Mr. Selinger:** I am pleased to give second reading to this bill. As I mentioned in the first reading, this legislation will require Manitoba Hydro to charge customers connected to the provincial power grid the same rate for electricity service, regardless of where they live in Manitoba.

Mr. Speaker, on December 5, 2000, the Speech from the Throne promised this single rate for residential hydro users. The Lieutenant-Governor said at that time: A household in The Pas or in Lac du Bonnet will pay the same basic rate for hydro service as a household in Winnipeg. This bill delivers on that commitment.

Our Government sees this as an issue of fundamental fairness to all Manitobans with respect to an important service. Currently, Manitoba Hydro maintains three rate zones reflecting different cost structures associated with serving a large number of customers in a small area compared to serving a few customers spread across a large area. However, this difference in actual terms is less than 10 percent, so for example the average residential customer living in Zone 2 will save approximately \$2.70 a month on their electricity bill. These current Zone 2 customers are typically those living in small towns and medium density areas. The average customers living in what is currently called Zone 3 are typically farm families, low density areas. They will save \$10.11 per month.

Mr. Speaker, this legislation is long overdue. Many other provinces have uniform rates, including Québec, British Columbia and Nova Scotia. It is an issue of fundamental fairness. I am very pleased that we are able to work with our Crown utility to make uniform electricity rates a reality in Manitoba and put everybody on an equal footing when it comes to the rates charged for basic service.

**Mr. Marcel Laurendeau (St. Norbert):** I move, seconded by the honourable Member for Lakeside (Mr. Enns), that debate be adjourned.

***Motion agreed to.***

**Bill 30—The Securities Amendment Act**

**Hon. Scott Smith (Minister of Consumer and Corporate Affairs):** I move, seconded by the Minister of Transportation and Government Services (Mr. Ashton), that Bill 30, The Securities Amendment Act (Loi modifiant la Loi sur les valeurs mobilières), be now read a second time and referred to a committee of the House.

***Motion presented.***

\* (14:40)

**Mr. Smith:** Mr. Speaker, the amendments to The Securities Act proposed in this bill fall into two broad categories. The first are amendments that will modernize and harmonize the securities legislation in the province.

You can break this into five generalizations, five categories: No. 1, making provisions to the Manitoba Securities Commission to participate in a national registration database which will allow registrants to operate in the securities industry to become registered in several jurisdictions from a single-entry point. This will present a benefit to both the registrants and investors, as the dealers will be able to service their clients with a minimum amount of paperwork and filing delays.

Number two, providing authority for the Securities Commission to officially recognize self-regulating organizations such as the Investment Dealers' Association and the mutual fund dealers' association, to which those registrants selling equities and mutual funds must belong. Recognition will give the Securities Commission both the ability to form a closer relationship with those groups but also a greater opportunity for scrutiny and oversight. This will be beneficial to not only investors but all Manitobans.

Number three, adopting the concept of the reporting issuer. As in other jurisdictions, this will result in additional financial reporting to the Manitoba Securities Commission by non-resident issuers currently not filing in the province. This in turn will provide greater disclosure to Manitoba investments.

Number four, harmonizing on a national basis to extend the notice period for takeover

bids which will allow companies and their shareholders sufficient time to consider their options when faced with a takeover bid from a third party. Not only will this time extension allow target companies to obtain the best practice and price for their shareholders, but it will hopefully result in a decline of the proliferation of poison pills, which will become so common in takeover bids.

Number five, filing of trade reports by insiders of public companies is important to the investing public. This bill will harmonize the filing requirements of Manitoba with the rest of the country and not only require insider filings on a more timely basis but will allow the Manitoba Securities Commission to participate in an Internet-based, national insider filing system, both of which benefit the investing public.

This bill will provide the Manitoba Securities Commission with valuable new tools for investigating and prosecuting offences of those participating in the investment markets in our province. The bill will modernize and clarify the commission's powers in investigations and hearings and will increase the range of fines to be assessed in Provincial Court against those in breach of the provisions of The Securities Act.

In addition, this bill will allow the commission to craft punishments that more properly fit the offence by providing the commission the authority to levy financial administrative penalties as in the case of six other Canadian provinces.

Mr. Speaker, this bill will be essential to modernize The Securities Act and allow the Manitoba Securities Commission to operate in co-operation with and in full partnership with developing a Canadian registration and regulation system within the Manitoba investors front.

Mr. Speaker, these amendments are needed to participate fully in developing a system of co-operation of securities on a national basis. The amendments in the area of investment and enforcement will allow the commission to better fulfill its mandate to the public. We have been dealing with a national harmonization right across the country for some time. It is finally

coming to fruition, and these are positive changes. They are aimed at improving the regulatory system to benefit both the public and the industry participants. As the rules and regulations have been developed and implemented across the country, consultation with the industry and investment organizations has taken place certainly on a national basis.

All of the amendments are aimed at streamlining or improving the regulatory regime in Manitoba and to increase protection offered to our investors here in our province. The feedback that we have received from investors organizations has certainly been positive.

Mr. Speaker, just to reiterate, the amendments that are being brought in will bring the rules and regulations into harmony with the rest of the country. Consultation has been, and is continuing to be, ongoing with the industry on a national basis. All amendments are aimed most importantly at streamlining the regulation for the protection of the investors here in Manitoba. Thank you very much.

**Mr. Marcel Laurendeau (St. Norbert):** I move, seconded by the honourable Member for Portage la Prairie (Mr. Faurschou), that debate be adjourned.

*Motion agreed to.*

## DEBATE ON SECOND READINGS

### Bill 11—The Highway Traffic Amendment and Consequential Amendments Act

**Mr. Speaker:** To resume debate on second readings, Bill 11, The Highway Traffic Amendment and Consequential Amendments Act (Loi modifiant le Code de la route et modifications corrélatives), standing in the name of the honourable Member for Minnedosa (Mr. Gilleshammer).

Is it the will of the House for the bill to remain standing in the name of the honourable Member for Minnedosa?

So there is agreement to leave it standing in the name of the honourable Member for Minnedosa? [Agreed]

**Mr. Jack Penner (Emerson):** It gives me great pleasure to put a few words on the record on this bill, which, I believe, is an important bill. The graduated licencing act I think has some provisions in it which are relatively acceptable. There are some aspects of the bill that I think need some significant work.

Let me clarify that. That is not a criticism of the bill, but I am a great believer in starting an education process at a very early age. I say this with all sincerity. I believe we are far too lax in our driver training process and far too acceptable of the fact that we must be old enough or almost old enough to get behind a wheel of a car before we start the training process of what driving is all about.

I truly believe that what this bill should have done is laid out an education plan for our young people to stress the importance of safe driving and the safe operation of a motor vehicle. I think that could have been done within our current education system. I know that we have a number of educators in this room or former educators in this room, but it could have been within the current education system if we would have just allowed ourselves the time to think through properly what that would mean.

I want to relate something that is a bit more personal. I have a grandson that started motocross racing when he was 8 years of age. He, last week in Brandon, did a clean sweep, won all four of the events in motocross racing. He is 15 years old. He is probably a better bike rider than virtually anybody in this province. He is very good at it. The reason I say that he is 15 years old is because he learned at a very early age. He started his instructions when he was less than 6 years old on how a bike operated, how a bike must be treated and the respect that must be given once you get behind the bars of a bike.

I think the same principles should be taught. We should allow ourselves the latitude of giving our young people the opportunity to learn the true implications of getting behind the wheel of a car, behind the bars of a bike, a motorcycle or, for that matter, behind the wheel of a piece of equipment. What that entails, and the safety aspect of the operation of it, the mechanical operation of it, the mechanical maintenance of it

to ensure safety, all those things should be taught, and how one must react to certain situations.

*Mr. Conrad Santos, Deputy Speaker, in the Chair.*

I was in Germany a couple of years ago, and they put us into a simulator and allowed us to sit in the cockpit or the simulator cockpit of a 747. They actually said, okay, now we will teach you how to take off, and then we will show you how to land this thing, in a simulator. Well, look at the opportunity that we would have, Mr. Deputy Speaker, if we did that for our young people in driving.

Driving a vehicle in everyday situations, such as driving on streets in Winnipeg, for rural people, young people coming into the city, is an immense challenge. For young people born and raised in the city, driving with their mothers and fathers in this traffic, it almost becomes an everyday event and something that is common to them, but those that do not experience that, it is an uncommon type of event.

\* (14:50)

The similar situation, Mr. Deputy Speaker, prevails when these young urbanites come out to rural Manitoba, whether they are licensed or have been licensed for some time is totally immaterial, but hit a gravel road and have never had the experience of what it feels like or how a vehicle is controllable or uncontrollable when you are driving on virtual marbles. That is what a gravel road most of the time is because, when you come off to the side a bit and you hit these gravel ridges, you are virtually driving on marbles, or something similar to marbles, and the people that have always been used to driving on pavement do not know how to react. Do I jerk the wheel back quickly, or do I bend it back gradually? Do I slam on the brakes because I am heading for the ditch, or do I slow down gradually? All these things should be and, I think, could be taught at a much, much younger age.

You know, I once had a friend who was a priest in the town of Letellier, and he said this to me. He said, Jack, give me your children from

the time that they are one year of age until they are five; then you can have them back. He said, then, the religious principles that I would like to instil in these children would be set. I think the same thing applies. I know there are some people who chuckle about this, but the same thing applies with driving and driving habits and the education of what driving is all about, vehicle operation is all about.

If you teach a young child, if you take that young child with you in a tractor or a combine from a very early age, by the time they are 8 or 9 years old, they can probably operate that machine as well as you can. If you wait till they are 16 and put them behind that same wheel, there are many distractions that start forming during that age period. I think the learning curve is not quite as great as it is when they are much younger. That is why I say to the minister, I think the minister missed a golden opportunity to enshrine in this bill an opportunity to educate people at a much, much younger age.

The second thing that I want to raise as something that has been brought to my attention constantly, and that is for young people in rural Manitoba. We say in this bill that, in order for a person to qualify for the initial learning stages in the bill, they have to take drivers' training. Well, Mr. Deputy Speaker, there are many communities in Manitoba that have not got access to driver training unless they drive 50 or 60 miles to get to a town where driver training is offered. The minister should know that; being from a northern community would know what that means. Some of his constituents might have to drive much more than 50 miles to get to a driver training centre.

So what have we done? Instead of initiating a classroom-type situation, we have said we will allow for non-driver training, but they will have their licensing procedure delayed for a year, not quite a year, almost a year. I think that is unfair, that is unfair to young people. Just because of geographics, we are now going to say you will get your driver's licence almost a year later than that person that lives in an urban area and has easy access to driver training, and therefore the changes will happen. I think that is something that needs to be addressed.

Again I go back to what we have said many times in this House about our concerns in rural

Manitoba especially and the declining population that we are seeing and the centralization that this Government is again initiating, simply by fact of not supporting its rural communities, having done away with the Department of Rural Development entirely, eliminating as one of the first actions of their Government, not recognizing the true impact that that would have to a community.

What we are seeing now again this week, we saw another announcement of a school closure. You know why the school is closing? Because there are not enough people there. You know why there are not enough people there? Because they are moving away. That is because this Government is taking no action to keep people in those communities.

Mr. Deputy Speaker, I say to you that this is clearly an indication of how disconnected to reality this Government is. So where are those remaining children going to get their driver training? Where are they going to get it? Where are those children finally going to go to school? Are they going to have to be sent to boarding school because there is not enough population left in rural Manitoba to afford to keep schools open?

I know the Minister of Industry and Trade (Ms. Mihychuk) is wanting to intervene in this debate, and I will give her the opportunity because where she was born and raised is a typical example of what happens when the young people leave. She realizes that, in the community that she was born and raised in, the population base is probably closer to 60 years than it is to 50. Why is that? You know why? Because she left. She left when she was younger. You know the reason why she left? Because she did not see an opportunity for herself. So her children are not going to be raised there. They are not going to be attending school there, and so the school is in jeopardy. The school in Piney was closed, and all the little schools that we used to have in Arbakka and in Gardenton and in Tolstoi are all gone. They are all closed.

We are driving children in that southeast area of the province now. We are putting children in a bus for an hour and a half in the morning and an hour and a half in the evening; three hours a day of that child's time is spent

riding a bus. Who of you in this Chamber would stand for the fact of having to be on a bus an hour and a half every morning and an hour and a half every evening in order to come to work here? You know what you would do? You would get an apartment because your legislation allows for getting an apartment. That is exactly what is going to have to happen to those children. Their moms and dads are going to have to get them an apartment, and it is going to be called boarding school.

We are not going to allow those children the access to driver training at an early age to get them to be able to drive themselves to their school. They are going to eliminate it. They are going to be two years at the university. I met, the day before yesterday, with a group of young students and they said, I am going to be two years at the university before I get my driver's. *[interjection]* That is true.

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

**Mr. Jack Penner:** The minister said that is not true. Well, you go tell that young person that that is not true, sir, because that is what he read into the act.

I say to you, Mr. Deputy Speaker, that is the problem with this act. It does not recognize the regionality and the needs. What he is doing is imposing upon parents and imposing upon somebody with a driver's licence to drive with these young people till some of them will be 18 1/2 years of age.

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

**Mr. Jack Penner:** It is true. You cannot get a full driver's licence. So I say to you, Mr. Deputy Speaker, this bill does need some work. Farmers and the young people are telling me constantly that this minister did not know what he was doing when he was drafting this act.

\* (15:00)

I say to you, Mr. Deputy Speaker, it is time that this minister and this Government started recognizing what educational reality really is all about. That is getting young people into the system of learning, whether it is book learning or

whether it is driver training or all aspects of living, I call it life learning, to really address that, and then we would have a bill that I could fully support. This one is questionable. I say to the minister if he would be open to some suggestions for amendments to this bill, I think we would have no difficulty supporting this kind of a bill in principle.

We stated a number of years ago, and my colleague the Member for Portage la Prairie (Mr. Faurschou) introduced a private member's bill in this House that supports the principle of graduated licencing. So we have no difficulty with that, but the meaning of "graduated" needs to be determined.

I think we need to also define much more closely what this bill does. I know the minister now is wanting to enact another matter which is going to create a lot of controversy. He is now saying that any person that drives a tractor or a combine on a roadway will be required to have a licence.

Well, this is my licence book. I carry this when I drive a car and when I drive a truck, but, when I go out in the field, I put it on my desk at home like that, and that is where it stays. When I take that provincial road to my fields, this thing stays at home. What that minister is saying now, from here on in, is I am going to have to carry this with me at all times. I am going to have to carry my licence with me at all times.

Secondly, we have a number of people whom we hire on the farms that would not be deemed old enough to operate a vehicle. Yet they are excellent, excellent tractor operators and combine operators. Many of them are 14 and 15 years old, and they are—

**An Honourable Member:** Child labour.

**Mr. Jack Penner:** The Member for Transcona (Mr. Reid) actually says, you know, well, it is child labour. Well, you know what, Mr. Deputy Speaker, child labour needs to be talked about in this Legislature some day. I think many of us would do well if we really taught our children how to work, if we really taught children the true meaning and the true rewards of work. I would much rather have my son, my 13- or 14-year-old

son, ride and drive a tractor out in the field all day than have him out on the streets at night. If you give them a good day's work to do when they are that age, much of their energy is spent, and they, in fact, have a rewarding experience.

So I think there is much to be said for allowing children at various ages to enter the workforce and to be taught what it is really like to do some meaningful work, and that, in my view, is where this legislation will be very questionable. I think the minister of highways needs to think very strongly about the imposition of the requirement of a licence to be carried.

Let me ask that minister then: Will he say to his northern fishermen and the hunters and trappers that every time they get on a snowmobile and cross a provincial road, cross a provincial road on a snowmobile or an all-terrain vehicle or whether he is going to enforce on the ranchers—when the farmer or rancher is going to go out to feed his cattle and have to cross that road, is he going to have to carry his licence with him? I think, Mr. Deputy Speaker, that this minister needs to very clearly rethink that one, as well.

I think, in closing, I would just say this. I say in closing that this bill needs some serious thought and some serious revision before it will receive full acceptance within the general public. I think, if the minister would have truly given credence to what he was told when they did their committee hearings and he would have listened to all of it, he would have written a different bill than he has written here.

**Mr. David Faurschou (Portage la Prairie):** Mr. Deputy Speaker, I appreciate the opportunity to rise in the House today to add some constructive commentary to the bill which we are discussing at the present time, commonly understood by the public as an enhancement to our already existing graduated drivers' licensing system that we have in the province which has been in place now for some 25-plus years.

It was in April of 2000 that I introduced into the Chamber a private member's resolution calling on the Government to consider the merits of implementing a graduated drivers' licencing system, which takes into account applicants'

formal driver education and experience in operations of motor vehicles within the province of Manitoba.

Mr. Deputy Speaker, the background which came to me and the community of Portage la Prairie and most specifically a community just to the west of Portage la Prairie, being MacGregor, the family of Lawrie [*phonetic*] and Sharon Stewart, while on travel to their grandparents' residence, was in a motor vehicle accident on December 27, 1997. As a result of that motor vehicle accident, a young lady by the name of Haley Stewart, age 9 years, was critically injured and subsequently passed away from the injuries incurred in that accident.

Mr. Deputy Speaker, that accident was a result of very poor judgment on behalf of a 17-year-old female driver who rear-ended the Stewart's family van in which Haley Stewart was a passenger in the rear seat. The injuries occurred to not only Haley but all members of the Stewart family, and more than two years elapsed before those injuries that were sustained in that accident were healed.

Also within those two years, Mr. Deputy Speaker, a very lengthy court proceeding found that the 17-year-old driver did indeed show poor judgment and was found guilty of a highway traffic infraction as a result of the collision. Her inattention to the road and subsequent collision with the Stewart vehicle resulted in a conviction. She is sincerely remorseful of that particular accident. As the Manitoba Public Insurance corporation's advertisement says: It only hurts for a lifetime. This incident will hurt not only the young 17-year-old who was the cause of the accident, but it will also hurt for an entire lifetime the Stewart family.

Mr. Deputy Speaker, it is imperative upon us as legislators to put in place the rules of the road which provide for the privilege of all persons to occupy that roadway whether it be by operation of a car, a truck, a semitrailer, bus, anything that travels upon our roadways. That responsibility, as a legislator, is one that I take very, very seriously. I will say to the Government that I personally appreciate the diligence shown in this regard, to take it upon themselves to go around the province with a task force and

to solicit public input and share experiences that many have had upon the roadways of our province and to also provide commentary as to how the roads of Manitoba can, in fact, be made safer.

\* (15:10)

The task force came forward with a number of recommendations which I will say were well thought out and came from not only the public input in Manitoba, but the task force travelled across the nation and looked at other drivers' licensing processes and requirements, not only in our jurisdiction but in all jurisdictions across our nation. It was with that, that the original task force recommendations were placed into public view and for public scrutiny of which there was a fair degree of public scrutiny from a number of different quarters.

I will say that there was a loud and very consistent but very thought-out position brought forward by the agricultural community through the Keystone Agricultural Producers organization, which has the responsibility to represent those producers in the agricultural field. They put forward a number of recommendations, which, I will say, were taken in by the Minister of Transportation (Mr. Ashton), and he took it upon himself to further change the recommendations that were originally put forward publicly. I have to say, from my personal perspective, that is a significant enhancement, and it certainly shows that the Minister of Transportation was listening. For that I compliment him.

I recognize, though, that the passage of this bill has not yet been complete, so there is still opportunity for the public, and for us, as legislators, to put forward what I feel is constructive dialogue in this regard, and that brings me this afternoon to my presentation in the Legislative Assembly.

I believe that all persons on the roadways are better off if they have the opportunity to learn the rules of the road first-hand from those of a certified registered designation, that being our professional driver instructors. We all understand and recognize the program supported by the Manitoba Public Insurance corporation,

more commonly known as the High School Driver Ed Program. However, this program, although it is extensive and very well placed for the better part of the province, it still lacks the opportunity to be taken by persons in remote areas within the province.

This is why I say today that I believe that all persons have the recognition of being professional driver instructors in the province and should be afforded the opportunity to instruct novice drivers, regardless of where they reside in the province, and also regardless of the time of year that that instruction is needed by novice drivers. I encourage the minister and all persons involved in the decision-making process to strongly support the certified professional driver trainers here in the province, that ability to conduct instruction regardless of geographic area and regardless of timing within the year, and to allow that flexibility to be supported by the Manitoba Public Insurance corporation, regardless of where the instruction takes place, regardless of the timing.

Now, Mr. Deputy Speaker, I understand that it is in the approximate \$200 area that Manitoba Public Insurance corporation supports each and every novice driver in the High School Driver Ed Program. But this is not afforded to novice drivers that come to the realization that they want to acquire the drivers' licensing privileges in our province at a later age. The program is only afforded to those that are enrolled in high school, and for those that are no longer enrolled in high school, this program is not available to them.

So, notwithstanding that current prerequisite, Mr. Deputy Speaker, I encourage the Government to consider that support from Manitoba Public Insurance corporation be broadened to include all novice drivers at the same level as that presently provided for to the high school students that are taking the programming. I further encourage the Government to make the program of instruction that most certainly is recognized instruction by not only the driver instructor but the curriculum that that driver instructor is teaching.

Provided those two criteria are covered, it should not be and no one should be precluded

from having the opportunity to take that program when they desire. If so, then, at 15 1/2 years of age, if an individual acquires that age, then they should be able to go to the driver trainer, a recognized driver trainer that has the prescribed curriculum, and apply to receive a learner's permit and to undertake instruction at that time. This, in most cases, as people will appreciate, does not always occur within the school curriculum year. One turns 15 1/2 in midsummer. One turns 15 1/2 in midwinter. One also turns 15 1/2 in between semesters in which the driver instruction is provided for. So this flexibility is very, very important.

We want to make certain that every new driver within the jurisdiction of Manitoba has the opportunity to have the support and encouragement to take instruction so they, when they enter onto the roadways of Manitoba, have had that benefit and are better drivers for it. I think, as everyone that travels around Manitoba on the highways and roadways of the province appreciate, that not only personal driving skills are necessary to control one's own vehicle, but one has to be recognizing that other vehicles on the road play a big part in making certain that you get to and from your destination safely, because you are ultimately passing or being passed or coming to intersections where other vehicles are present. It is vitally important that those drivers of those vehicles are properly instructed and competent drivers.

Not only for safety's sake are we concerned, but we are all familiar with the escalating repair costs that Manitoba Public Insurance corporation is faced with each and every year as the vehicles become more sophisticated and the repair bills that are needed to repair those sophisticated components within the new vehicles are much more costly when a collision occurs and damage is the result. We all can benefit from fewer incidents.

\* (15:20)

So, Mr. Deputy Speaker, that particular point is one that I hope the government can move on and make certain that the level of support is available to all novice drivers at any time of the year as well as any locale within the province of Manitoba.

We are all aware that it is important to make certain that we in this province provide for safe driving and those having the privileges to drive on this road, but we also must be understanding that we share in the global community agreements that are known as reciprocity. We in this province are responsible for providing the rules and regulations that provide the privilege of driving, but not only does that privilege of a driver's licence provide for driving in Manitoba but it also provides for driving of motor vehicles in other jurisdictions as well. We have to understand that we in this province must elevate that bar so that we have our driver's licence recognized and continue to be recognized in other jurisdictions as well.

*Mr. Speaker in the Chair*

Currently over 81 percent of all Canadians are presently receiving their drivers' privileges in other jurisdictions under a graduated drivers' licencing system. So it is important that we keep pace with other jurisdictions in enhancing our requirements for those to garner a driver's licence for motor vehicles on our roadways so that we are accepted not just in Manitoba, but, as I say, elsewhere in our nation as well as in other countries around the world.

We recognize that the United States in many jurisdictions has put in place a more enhanced graduated drivers' licencing system. We recognize other Commonwealth nations such as New Zealand has a modified graduated drivers' licencing system in place. There are many others that have in fact that program.

I also understand that the program as it has been outlined is going to be phased in and that this fall the zero blood alcohol tolerance for all novice drivers will be put in place. I think that particular move is long overdue. We recognize that persons under the age of 18 in our province are not to consume alcohol. In most jurisdictions I will say that under 18 one is able to consume alcohol under supervision of one's parents in situations that are private in nature, but to operate a motor vehicle when one has consumed alcohol and has little experience upon the roadway is a combination that is deadly indeed. So I applaud the Government for putting in place the zero alcohol tolerance for novice drivers.

Also, there are still a number of questions that need be asked in regard to how the driver's licence is going to affect those that are 15 1/2 years of age and in the High School Driver Ed Program and have not yet completed that program and achieving their full driver's licence prior to the April 1 implementation date, 2002, as proposed in this legislation. I would hope that the Government recognize that those individuals that are already involved in the program of High School Driver Ed complete that program under one set of rules, that the changes which are being proposed in this legislation do not change in midstream.

It is important that those individuals that enter into the drivers' licensing programs that we have currently in place that the parameters of that program do not change prior to the conclusion so that all persons in the High School Driver Ed Program enrolled as of April 1 are in fact licensed in this province in the same fashion that they are at present.

Now, Mr. Speaker, I would also like to ask the Government to explain more fully the impacts of the graduated drivers' licencing system as it pertains to motorcycle operations. It is yet unclear as to how one would be able to garner a motorcycle licence under the new system. It is an area that affects quite a number of persons. I will say, personally, that my first driver's licence was one that came on two wheels, and I have since not ridden as often as I would like, but motorcycle riding here in the province is enjoyed by thousands and thousands of Manitobans, not year round, of course.

Certainly, a week and a half ago, on May 16, the Manitoba Motorcycle Coalition had an activity in conjunction with Manitoba Public Insurance corporation to promote motorcycle safety here in the province and had an MLA's ride. I would like to compliment the Member for Transcona (Mr. Reid) and the Member for Brandon West (Mr. Smith), along with myself and the Member for Thompson (Mr. Ashton), for participating in that activity. I know that the motorcyclists that were massed on the Legislative Grounds here certainly appreciated the members' participation.

I also want to say that that particular ride was done in safety, in great part to the organization that involved the Winnipeg Police Service

and their motorcycle unit as well, which I understand has been participating for quite a number of years. It is always enjoyable to meet the members of the Winnipeg Police Service's motorcycle unit on that occasion.

\* (15:30)

Mr. Speaker, I appreciate the members' patience. One sometimes is a little bit forgetful. There was another point that I was wanting to make at this juncture in time, and it has just left me. I am afraid that I am going to have to conclude my remarks without recollection of my final point.

In closing, I want to recognize the number of individuals that participated in the public process. I want to recognize, especially, Laurie and Sharon Stewart. Without their support, I do not believe that this particular initiative would have reached this juncture because it is through their unfortunate experience of losing their daughter Haley that spawned all of this. I do know that there are many, many persons throughout the province, as we all had experience to hear from, shared in the Stewart's loss because they too, themselves, have experienced loss through highway traffic incidents.

I also want to recognize a number of agencies that participated in dialogue, that being the CAA, the Canadian Automobile Association. I also want to recognize IMPACT, I want to recognize MADD and TADD for their involvement in making presentations to not only the public forum, but in writing to the minister. I know the automobile injury association as well as the Insurance Bureau of Canada, participated in providing information as well, not to say that there are not others that have yet to make presentations throughout the province, because I do know that, once we enter into the public hearing period of this study of the legislation, there will be more persons making presentations that have had thoughts since last year's undertaking by the provincial task force.

I also want to recognize the Manitoba Public Insurance corporation for their continued support of the High School Driver's Ed Program and their understanding of the importance of providing for instruction and assisting in novice

drivers garnering the experience that makes them out to be much better drivers.

There is a new public safety director, Mr. Paul Allen, that has joined the Manitoba Public Insurance corporation that recognizes that, being new to Manitoba, we have a long way to go in this province. We have only to recall, perhaps, our drive in to work this morning, that there are other drivers out on the road that we share that have habits and dull practices of vehicle operation that are less than desirable. I hope that this legislation will be just one step in the process of enhancing the environment which we all share when we are operating our motor vehicles around and about Manitoba.

So I appreciate the opportunity to have participated in the debate. I look forward to the opportunity to further add commentary in third reading. Thank you very much.

**Mr. Frank Pitura (Morris):** I welcome the opportunity to place a few comments on the record with respect to Bill 11. I guess, at the outset, all of us who have children certainly take a look at a piece of legislation like this as saying it is probably a piece of legislation that should have general support, because one of the things that we do not want to do is to be wakened in the middle of the night to be informed by the local RCMP constable that our children were involved in an accident and either severe injuries or even death can result.

As parents, I know that, when our children were going through the driver's licence stage and they were on country roads, either in the middle of winter or summertime, we often lay awake at night until we could hear that vehicle drive in the yard and the door slam, and they came into the house. So there was always that worry that something would happen. We are thankful that our children are now both adults, and they both still have their drivers' licences. So that says something for the way that they operate vehicles.

Over the last number of months I have also had the opportunity to speak to some high school students in schools in the constituency and talk to them about this piece of legislation, because, indeed, they are the stakeholders for Bill 11. They are the ones who are impacted by this

legislation personally. Of course, their parents are secondary in this legislation.

I was somewhat surprised that the task force, when they made their tour around the province, that they did not take the time to specifically talk to a number of schools with respect to talking directly to the stakeholders and garnering input from them, because our young people are very intelligent human beings, and they can contribute a lot to the way that this legislation should be couched. At least I found in speaking to them that they had a lot of their concerns, but they also were prepared to present options and alternatives with respect to this particular bill to make it work to everyone's benefit.

I would like to commend the Minister of Transportation and Government Services (Mr. Ashton) for his willingness to be co-operative and accommodating with respect to some of the regulations that the original task force had put forward and taking them and redefining them so that in fact the legislation was not as harsh I think to the rural community as it was first put forward.

But there are some areas of concern, Mr. Speaker, that I have with respect to this legislation. My first and foremost concern is the fact that most of this bill is written as regulation. It has something like 28 different regulations that would be attached to this bill and a couple of pages of clauses, and, in fact, that is one of the areas that I am most concerned about, because, with regulations as opposed to legislation—like Bill 11, as far as the act goes and all the clauses that are in it, you take a look at that and you say, well, yes, I can support it.

But then you look at the regulations. Who makes up the regulations? Who passes the regulations? Who changes the regulations? It is the Cabinet. Cabinet could do it unilaterally within about 10 minutes at a Cabinet meeting, and the Cabinet can change them. They do not have to bring it back to this House for debate. They do not have to invite the public for input. So they can do whatever they would like to do with the regulations.

So it really concerns me that what the Government is saying to us in this piece of

legislation is that we are going to do this all be regulation. Trust us. Trust us on this one. We will do the job right. Just trust us.

\* (15:40)

I do not think that that is fair. I do not think that is proper. I would have liked to have seen much more of this bill couched in legislative clauses that we could have legitimately debated in this House and/or amend it through amendment in this House rather than saying a regulation and this is what we propose to do, but then when the regulations are finally approved and published, they are quite different, and you do not have any input into it.

I think, Mr. Speaker, that this was one of the areas that young people, once they understood how the legislative process worked, had a great deal of concern that the regulations, even though they are promised, there still has to be that large amount of trust in the Cabinet to bring forth the regulations that they feel are just regulations with this particular bill. They have a great deal of discomfort saying that they would entrust some 15 or 16 people to be an architect of the regulations and to bring them forward, and also there is no guarantee that they are going to stay in place. They could be changed. They could be changed on a whim.

So, Mr. Speaker, I have a grave concern about that particular part of this legislative bill that has so many regulations that will control the graduated drivers' licence process. There is also nothing in this legislation, there is nothing in the regulation that says there are going to be certain checks and balances that will ensure the public, who are going to be governed by this piece of legislation and the numerous regulations, can have confidence that this will stay in place for a period of time.

There is also another concern I have, Mr. Speaker. I am sort of going maybe on both sides of the issue on this one because on the one side they are saying—

**An Honourable Member: A Liberal.**

**Mr. Pitura:** Oh, yes, I am just like a Liberal. The regulations on the one side are governed by a few people around the Cabinet table, and they

can be changed fairly quickly. I guess on the other side of the fact is that sure, it is nice because if a regulation does not work, you change it. Okay, so it makes that ability to have that flexibility, but at the same time it also has to create concern from those people who are being affected by this regulation. The one child is governed by these regulations. The second child has another new set of regulations governing them because the Cabinet decided to change the regulations. They did not bother getting public input. They did not bother bringing it into this Legislative Assembly for a debate because they do not have to. So there is that ability on both sides, I think, Mr. Speaker.

I think that undoubtedly the best way is to couch most of this in terms of legislative clauses. I would have liked to have seen that in this type of legislation, which would have meant that any time it was changed it had to come back into this Assembly Chamber for that change or amendment and be properly debated in terms of what kind of an impact it is going to have on Manitobans.

There is also another thing that is missing, Mr. Speaker, in this whole legislative package. There are some 28 regulations. I am sorry, I do not have the bill in front of me, but I think there are 28. There is not a regulation which provides for a mandatory review of the regulations within a certain period of time. I believe that that is essential for the process so that these regulations can be—you can take a look at the graduated drivers' licencing program, and say okay, you brought it into effect April 1, 2002, and we have it in place for three years and we will garner the stats. During that period of time we will have the stats prior to that, and we will just see how successful we are. If we are successful, then maybe most of the regulations that are in place can stay put. If we are not, if there are some weak areas, then certainly the regulations have to be looked at with respect to possibly amending them or changing them to suit the conditions. But without that written in to this package as a part of the process, then what happens is that if the bureaucrats within the department do not bring this legislative package forward or the data forward, it can stay there for many, many years until there is enough of a ground swell that says you have to do something about it.

So I would suggest to the Government that a system of review be put into place. It could be three years, it could be four years, it could be five years, but it has to be a mandatory review so that that review does kick in no matter what so that it can be assessed, evaluated and changed if necessary.

I think this is especially important in the rural area because there are so many differences I believe between a graduated drivers' licencing program that would accommodate an urban environment and one that would accommodate a rural environment, especially the farm industry, the agricultural industry. We have taken a lot of things for granted over a number of years in the farming community, which when I look back on my career in farming, the kinds of things that I had—*[interjection]* Yes, that is why I do not have any fingernails. It is sure nice, Mr. Speaker, to have all that love and devotion from your colleagues on this side.

I know we took a lot of things for granted in terms of what our children could do in terms of helping us out, whether it was moving equipment out to the field or moving it to another field, or bringing it home late at night after harvesting. There were a lot of things that we just took for granted.

So, Mr. Speaker, I believe that this is probably the one thing that this Government could do to ensure for both sides of this House, but I do not think they—

**An Honourable Member:** But will they?

**Mr. Pitura:** Well, they have the opportunity. They have the opportunity to take the high road on this, and I think that if there is a mandatory review of all the regulations that are put in place after a certain period of time to evaluate them—and that can easily be put in as the last regulation in this long list of regulations which I have concern with in the first place. So if they can do that, then I think that that would help to ensure that all interests are protected under this legislation.

Mr. Speaker, I am somewhat disappointed that the Minister of Transportation and Government Services (Mr. Ashton) was present in this

Legislature speaking on the first reading on this legislation, waving a pamphlet in the air about what this legislation means to the general public. He said at that time, well, it was a draft piece of literature that they were looking at, but I have yet to see it. I think that for us to be able to debate this piece of legislation in an informed manner, I think that the Minister of Transportation and Government Services should be prepared to table that document as quickly as possible, so that informed debate can take place on this legislation, rather than us having to speculate on what the Government is going to do with graduated drivers' licences. So I would encourage the minister to table that document and distribute it as soon as possible.

I do, Mr. Speaker, support this bill with respect to the clauses in the bill that refer to the zero tolerance acceptance for alcohol. I think that that is no question. That is a slam dunk, because anybody who is a new driver should have that stipulation applied to them. In fact, you might even want to argue that if we had enough internal fortitude to go ahead—or the other word for it, guts—to put into place that all drivers in Manitoba should have a zero tolerance for alcohol. However, that is going to take a lot of political will to do that, but certainly it is something that you could probably argue. I think that on this piece of legislation, having that zero tolerance for alcohol is a good positive move in this legislation.

However, I would have liked to have seen—and I say this over and over again, Mr. Speaker, that I would have liked to have seen less regulation and more of that legislation in clauses as it pertained to the graduated drivers' licence process. I will continue to put that as a concern to the Government.

\* (15:50)

Now, another concern that was brought to my attention by the stakeholders is that for young people who turn 16, and they will also have their first summer employment, first summer job, and when you have a rural community a lot of the young people who gain their first summer jobs live outside that community. Their employer, whoever it may be, is expecting them to commute back and forth to this job. However,

they are 16 years of age. They do not become an intermediate driver, according to what I have been told, until 16 years, 3 months, so that if your 16th birthday happens to fall near the end of June or early July, it pretty well eliminates that summer for you for having any kind of summer job.

These young people, Mr. Speaker, could be working at the local community pool. Many communities have nice pools for the summer-time that these young people work at. They gain job experience. They make some money. They get responsibility in terms of being able to manage money. They could even be working in a drive-in restaurant within the community. I know of some drive-in restaurants where they hire a lot of young people, 16 years of age, and these young people, if their birthdays happen to fall into the wrong window, will not be able to get employment for that summer period because they cannot drive on their own yet.

I believe that this is an area in the legislation where I do not have an answer for the minister. I do not have a suggestion for the minister on how to handle this, but I do hope that the minister will take a close look at how this affects probably not a large group of people, but it is a group of people who will be denied that ability to gain meaningful summer employment when they turn 16, so certainly to take a look at it in terms of whether it should be a daytime permit, or whatever, to allow these young people to gain employment.

Another concern I have is the constituency that I represent of Morris, a large portion of the constituency is in the Capital Region, Mr. Speaker, and a lot of young people from Headingley, from St. Francois Xavier, Oak Bluff, Sanford, La Salle, Domain, will have their summer employment especially in the southwest corner of the city of Winnipeg where there is a tremendous amount of expansion going on in the retail businesses, shops, that their summer job or their part-time job is located in that area.

Again, the same situation arises with respect to this piece of legislation, that if they are not into that intermediate category right away, and they fall into that 16-year-and-3-month period, that, again, job opportunities for them are limited

unless mom and dad or the supervising driver can make sure that they get back and forth to their place of employment. Again, it is placing a restriction on these young people which I hope that the Government will be able to address and recognize and make an adjustment because, after all, we are most concerned with this graduated driver licencing program being able to perform and do what it is supposed to do, especially with young drivers after the daylight hours, because that is where most of the accidents occur, is in the early evening, late evening.

At this point in time, Mr. Speaker, I would also like to place a comment on the record that the minister is also bringing in Bill 23, and he has given it first reading, which requires that anyone driving farm equipment on the roads have a driver's licence, and it is supposed to dovetail with the graduated driver licencing program. This will create another situation where the parent, father or mother, after finishing a field of seeding or harvest, sometimes they take their 15-year-old child or their 16-year-old child out to the field to bring the tractor and the seeder or the combine home so that they can get it cleaned up and ready to go to the next field. Then it certainly makes it a lot easier if the parent has a son or daughter that could go out with them. In some instances, I have seen the parents bring home the equipment, but the son or daughter drives the pickup truck behind the equipment, not going very fast, probably eight, nine, ten miles an hour at the most but staying behind the equipment and following it home. Under this legislation, of course, they will be required to have a valid driver's license. I know that, even under previous legislation, if they did not have a learner's permit at 15 1/2, they could not drive anyway. Most farmers have respected that, but this is going to shift that now to beyond the 16 years of age.

So there, again, I am thinking that some parents will probably get caught in a situation where they just happen to be stopped on a highway with the equipment and have a 16-year-old alone in a half-ton behind the equipment, and it will create some problems. I think that parents, in that case, will say, well, I did not even know; I did not even think about it. We are just trying to move the equipment home. My son is following the equipment, and he is going to stay

behind the equipment. He is not going to drive on the highway. He is going to drive behind the equipment. He is going the same speed as the equipment. If he runs into anything, it is going to be the cultivator or the combine. But the father has a lot of confidence in that child being able to help out to bring that equipment home, and it certainly makes the efficiency factor improve.

If you are finishing off a field just at 5:30 in the afternoon with the combine, and you want to make sure you get a good start in the next field in another hour after refuelling and greasing, it is important to be able to put this together. Especially too, in a lot of farm families, one of the spouses is working off the farm. In a lot of the cases, it is the female parent that is working off the farm, and if they are working at a job that is not going to get them home until six o'clock, children are home at four o'clock or 4:15, somewhere in there, they are able to help out dad until mom gets home.

Again, that is another issue, and I would like to see an attempt to address that, at least from the standpoint of—and I know that the Government already has accommodated the driving of a vehicle with a farm plate on it, and so something along that way, if that could be addressed.

My colleague from Emerson, I think, brought up a very good point too with requiring a valid driver's licence to be able to drive farm equipment on any public road. It was the fact that a lot of farmers do not take their wallets out to the field with them. There is a very good reason for that because, when there are problems with the equipment, they are crawling underneath the equipment. If you want to hear a farmer cry a lot is when he has got a couple of Wheat Board cheques in that wallet that are going to be deposited the next time it rains and he checks for his wallet when he gets home and finds out that there is no wallet there, and it is somewhere out in that 160-acre field and he does not know where because it could have been dragged 1000 yards, it could have been dragged 200 feet, it might have stayed right where it is but very difficult to find those things. Usually what happens is that the next farmer who is farming that piece of land finds it, not the farmer who was farming it at the time. So those are issues, I think, that have to be addressed because

farmers in general do not take their wallets out to the field with them.

\* (16:00)

The Government has good intentions, and I started out in my comments saying there is probably general support because we all love our children. If there is something that will keep the majority of our children alive so that we can enjoy them and love them and support them and see them grow up into young adults, then why not? We should be doing this. But I think we also have to accommodate the little nuances and the little intricacies of what happens in terms of being able to not be having a huge negative impact on, and I am talking about the rural situation because that is what I am familiar with. So I think that if we can address those issues, I think we have a splendid piece of legislation here in terms of this, but I think we have to do more accommodating and more looking at what kinds of things could be done. That is why I was saying earlier, I would like to have seen all of the regulations that the minister was going to draft and present to the public in front of this Legislature so that we could do a proper debate here based on the information that we have received. Unfortunately, we still have to guess at what some of the regulations are going to look like.

My hope, Mr. Speaker, is that the Doer government will commit to a full review in the short term and also have a regular review that will be in place to ensure that this legislation is accomplishing its objective and at the same time is not imposing undue hardship and regulatory frustration on those in certain parts of the province. I hope the Doer government will also listen when those that are unduly affected by a regulation, and I do not know, maybe everybody will be satisfied. We do not know that. But you do not know it until it is in place, but if there is general dissatisfaction and enough documentation to be able to say that it is not working, then please take a look at it and look at accommodating and looking at the regulations with respect to changes.

Mr. Speaker, also note that within the legislation there is not really an enhancement of driver education or defensive driving, and it

really should be a very, very strong part of this legislation. The reason I say that is that there is not any legislation that you can pass that will prevent poor judgment, that will prevent somebody having a mental error, some of us call it a stupid error, making some really terrible decisions, and we cannot legislate against somebody who has a lack of skills. Skills need to be learned over time through training, but one thing about all human beings is that we are all different. I am sure that, all of us in this Legislative Assembly, when we get behind the wheel of our car we all have a different attitude when we are behind that wheel of the car.

I know some people who are very aggressive drivers when they get behind the wheel of a car. I go to a Moose hockey game and if that parking lot is full, if I am with that individual we will be the first ones out of the parking lot, and basically it is a like I am coming through, back off. But you also get the drivers who are passive drivers who do not mind waiting. If you are going 10 clicks below the speed limit, so what? So I am going to be late, I am going to be late. No big deal. There are those people too and there are probably a lot, when you get behind a big truck on the highway, and it is going 10 kilometres less than the speed limit, there are some people who will pass that truck, no matter what, and if there is a whole flock of cars coming at them they will just get out there and pass that car.

That is the way human beings are when they drive and you cannot legislate against that type of an attitude. However, Mr. Speaker, I make the case for driver education and having everybody take defensive driving. If you have the education, you have the ability to change attitude, and you can change attitude if you understand what you are working with. Also, having more knowledge allows an individual to learn more about the fact why they are sitting there behind that wheel. The car is not a weapon; it is a mode of transportation to get from point A to point B.

So education, I think, is very critical to making a graduated drivers' licence program work. I think that when we will see is, if there is not the education as a program with the graduated drivers' licence program, the stats that

will be collected might not show the kind of results that we would be expecting.

So those are just a few of the comments that I have about this legislation. I really do hope that the Doer government will table the regulations ASAP in that pamphlet, which is the one that they are going to share with the public, so that we can have a much more informed debate in this House. I thank you for the opportunity.

**Mr. Faurschou:** I wondered if you would canvass the House. I would like to ask of the House leave to conclude my remarks. I had made a statement in my earlier address of Bill 11 that I could not think of the point that I wanted to make. I have now thought of it.

**Mr. Speaker:** Leave has been granted.

**Mr. Faurschou:** I want to thank all colleagues for that. The current regulations that have been publicly announced by the minister of late involve the period of time between the learners' and the probationary drivers' licencing to be approximately two years. That period of time, one undergoes only one testing, that one road test that occurs while there is a written test to incur the learner's permit, and then there is a road test to go on to your intermediate, but to go from your intermediate to your probationary stage at present, the only criterion is time.

With only that criterion, there is going to be a great variation within novice drivers as the amount of experience garnered within that time. There are individuals that will effectively drive almost daily; then there are individuals that may only drive on the weekends, and then there are individuals that may only sporadically drive.

I would like to encourage the Government to, as they already recognize, experience is in fact the foundation to good driving. The greater one has the experience, the better off that driver is. The records show it.

In order to recognize the experience that one can garner within this period of time, I would like to encourage the Government to allow for a test, a more rigorous test to be afforded individuals that can demonstrate that they have garnered the additional experience, driven daily,

driven often. As well, there is another element which I know that I am certainly supportive of, and that is garnering a greater level of achievement by taking defensive driving, advanced driver training programs. As well, there are now programs that are out there that in fact provide for pursuit style and very radical driving challenges in a controlled fashion.

\* (16:10)

Now, these are a number of programs that are available, certainly at cost to the individual that wants to participate, but these are two things that I believe should be considered. When we also think of just a novice driver, we think of those persons that are garnering their driver's licence for the very first time. There are persons that have had changes in lifestyle. There have been persons that have had medical changes. There have been persons that have been away from the country for awhile, have not had the Manitoba driver's licence for an extended period of time so there has been a lapse. Once over three years, persons are considered that they no longer have had a valid Manitoba driver's licence, so therefore they are considered novice drivers.

Now, Mr. Speaker, one has to have some mechanism in which to recognize those individuals coming from other jurisdictions, those returning from other jurisdictions, those that have had their drivers' licences lapse. I know specifically a person in my own family that moved to Winnipeg and let their driver's licence lapse because they were in the city of Winnipeg and participated with the public transit system and did not hold their driver's licence, did not have a car, but then because of a career move, moved back into locales that the only mode of transportation available was by private vehicle. So they would, too, be considered a novice driver and have to go through the two-year process, which is this perspective.

So I appeal to the Government that they have a mechanism that recognizes not only experienced but additional driver training within the regulations that they propose so that, in fact, there is an encouragement to be a better driver, an encouragement to garner the extra experience, be encouraged to take additional driver training

that in the long run all Manitobans will benefit from. Thank you very much, Mr. Speaker.

**Mr. Jim Penner (Steinbach):** Mr. Speaker, I would like to put a few words on the record as well. I think that Bill 11 is basically a good idea. I think it has value and it has merit. I am concerned sometimes that maybe it was structured rather hastily. When it comes down to driving, I never had any drivers' lessons. I started driving a truck before I was 15. I have driven now for over 45 years, and over 2 million miles. I have never had an accident, and I have five points, but I think I am not a very good driver. I think I would be better if I had had more training.

Mr. Speaker, I would not let my children drive when they became teenagers. I would not let them drive until they had taken a driver education course. I think education is No. 1; not legislation, not regulation, it is education. I felt it was very, very important that they completed their driver training. Part of the driver training can also be done by parents. We have backwoods trails in the southeast corner, in the Marchand, Sandilands, Woodridge area. You know, it is a perfect place to go on the trails and let your 15-year-old drive a car because the trails have ruts in them so they learn to find out where the wheels are. When you drive along the trails, you know if you are on the rut or out of the rut. So it does not take long, you do not have to drive many miles—

**An Honourable Member:** It is kind of like the Tory caucus in a rut.

**Mr. Jim Penner:** Yeah, now that is ideologically speaking, but I think parental involvement is just very, very critical and important. If the parents really care, I think they can have a bonding relationship with their kids by spending time with them and certainly that would save lives on our highways.

The Member for Portage la Prairie (Mr. Faurschou) said that he introduced the private member's resolution calling on the Government to consider the merits of implementing a graduated drivers' licence program because of an incident that occurred involving the rear-ending

of a van, killing one person, Haley Stewart, and injuring three other members.

*Mr. Deputy Speaker in the Chair*

Well, I was called to Main Street one day, and a novice driver had just run my daughter off her bicycle and slammed her onto the ground and was in serious condition. I also felt that the novice driver, Mr. Deputy Speaker, was inadequately trained and certainly was misbehaving at the time, and it turned out not to be as serious as was first anticipated. My daughter is married with three children now, and she is still suffering from those injuries that happened on Main Street in Steinbach because people were not properly trained. I do not think there is any amount of graduated driver licencing that would have avoided that, because the person still needs to become a responsible person and drive responsibly and learn to behave. That is something that we cannot do with laws as well as we can do as parents.

I think that the bill may have been done a little bit hastily and still could use some study. What I thought was particularly amusing was that the minister for highways was not part of the task force. The task force was chaired by the Member for Transcona (Mr. Reid), I believe, and members for Assiniboia, Flin Flon, and St. Vital and the now-Minister for Consumer and Corporate Affairs (Mr. Smith) were all part of this task force. I would have expected that the person introducing the bill would have been part of the task force. I do not quite understand that. Maybe, I just do not understand how things work on that side of the House.

Under graduated drivers' licencing programs, novice drivers of any age would be delayed into entry to fully unrestricted driving. Now, that may or may not work, but in some instances I have come to the conclusion, Mr. Deputy Speaker, that it is really, really important to gain experience. Driving is something that you do not get without experience. Now, if the laws seriously restrict the amount of experience that you can get, then you will complete your two-year course not having had experience.

So I think it is a bit of an intimidating and threatening thing that people will have been in the course for two years, but under the restrictions they have not gained adequate experience. Then, all of a sudden, they are 18 years old and

now they say, oh, now you have a full driver's licence. You still have not had experience. You would lack experience for two reasons; one, probably because of the regulations and restrictions, and the other reason that you would lack experience is you may not have access to a vehicle, but you get a driver's licence after two years. So the time limit should not be the ultimate factor. The amount of experience is so important I think to whether or not you are qualified to drive.

I think that some of us who were driving for one or two years before we had a licence—although I do not advocate that—we were very experienced by the time we were 16 years old. In fact, on the day I turned 16, I went to the town hall and asked for an application form. I was filling this out when the local constable stood behind me and he said: What are you doing? Oh, I said I am applying for a driver's licence. You mean you did not have a driver's licence. Well, no, I was driving a truck between Winnipeg and Steinbach early every morning to pick up fruit. It was just necessary in our business, so we just did things that we needed to do.

However, Mr. Deputy Speaker, I do not think that the same circumstances exist today. First of all, we drive at higher speeds. Secondly, we have much busier highways. Furthermore, we drive in all kinds of weather. I think the skills needed in this day and age are much more significant than they were when some of us were teenagers, and so I have a lot of respect for the need for more education, better education and restrictions. I am concerned sometimes that we did not address some of these issues sooner. I understand that about 83 percent of the population in Canada live in jurisdictions that already have restrictions on drivers' licences.

\* (16:20)

The report on the task force states that based on the overwhelming support of Manitobans, the graduated driver licence task force recommends that the Manitoba provincial government introduce legislation at the earliest opportunity commencing a full three-stage graduated driver licence program followed by full licensure.

Now that may be true but in talking to people, teenagers and parents, there are a lot of

concerns in the way that this regulated driver's licence may be applied. It could create a lot of hardships and a lot of difficulties. I am really wondering how the task force presented their case and who they talked to. This would make a huge difference as to the result of the study. It was only members on one side of the House that constituted the task force, and maybe there was not a fair opportunity for people to really vent their interest in graduated licencing.

I have a further concern, Mr. Deputy Speaker. It so happens that I am a licensed steam engine operator, traction engine operator. I have a licence to operate a steam boiler. The people that trained me are much more competent than I am. They were actually operating steam engines when they were young people. They grew up with steam. They knew all about steam, the power of steam. They knew how to run these engines. They knew how to drive. They knew how to maintain them. All of what I learned, because I was not around in the steam age, was from these older club members.

We started this club in 1971. It is called the Steam Club Manitoba. When it came down to a need for licensed drivers so we could insure our equipment and our operations, the people who taught me were not able to obtain a licence. However, I was able to complete the written application and the practical test and ended up with a steam licence knowing much less than the older people. Now why was that?

It is a simple problem. It is a language problem. When I look at the method of licencing, regulating and the graduated licences, one of the things that I foresee and I predict is that some very qualified drivers, some very skillful drivers are going to be wanting to pass this test, become qualified, and they are going to have a linguistic problem. We have people here from all over Europe, from Russia, from India, and sometimes there is a gap in their ability to use English, not necessarily a gap in their skills. I am thinking that someone should advocate that we accommodate in the revisions to this bill the use of oral testing and definitely address the problem of people becoming disenfranchised because of linguistic differences. They are probably linguistically very competent, but they have their best skills in different languages. Mr. Deputy Speaker, I think that is one issue. I do not see it addressed anywhere in the notes that I have read

on this issue. I would certainly hope that that might be addressed down the road.

As the previous speakers have indicated, we are very concerned about the designing and structuring of the regulations that are to follow. The act gives Cabinet the power to make regulations governing the definition of novice and supervising drivers, classification of novice drivers, et cetera. In fact, the Cabinet has the power to make driver education or training courses live up to certain minimum standards and criteria and designs the form of implementation. I trust, of course, that they will seek professional advice and that there will be ample opportunity to study the regulations governing the act long before the act is passed. So I think there is some urgency in getting that part of this bill reviewed.

Currently, a novice driver can receive a licence after having a learner's permit for two weeks. Approximately 81 percent of Canadians live in jurisdictions with graduated drivers' licencing at this time. The injury prevention unit of Children's Hospital, it is called IMPACT, conducted a survey in June 1999, showing that 82 percent of Manitobans either strongly supported or somewhat supported some form of graduated licencing. New Zealand showed reduced crash rates among 15- to 19-year-olds by 23 percent after they introduced graduated licencing. Of course, they drove 23 percent less miles. Ontario showed a 31% reduction in crashes for novice drivers. Obviously Ontario would be even more challenging, as far as highway conditions, than Manitoba. Nova Scotia showed a 38% reduction in crashes for novice drivers. So novice drivers represent about 4 percent of all the drivers and approximately 13 percent of all the crashes. So experience does count.

However, we do not want this bill to prevent people from getting experience because then it is self-defeating. We have not contributed to the education of the driver if they are not allowed to drive because of this bill. They have lost their opportunity to get experience.

I would also like to see if studies have been done on the cost of implementing these restrictions. Certainly there is going to be a lot of supervision needed. There is going to be a lot of

training needed of the people who will supervise the implementation of this bill, and sometimes when we look at throwing money around in a dashing manner, whether it is an arena or what, to gain political points, we forget what the cost is of some of these bills. I think they have to be cost-effective. They should be efficient and should be well planned, but I have looked at all of this material that I have been able to receive so far and I see nothing on analyzing the cost of implementation.

Furthermore, there is the cost of enforcement and that will be also an ongoing cost. Even more of an ongoing cost will be the cost of enforcement. I do not know whether that has been taken into consideration in the planning or not, but certainly we are looking at a major budgetary item here because the rules and regulations may be very hard to enforce. We cannot have every novice driver followed around by a police car, so the temptation will be not to abide by the regulations, not to bother with the restrictions during the first two years and, of course, unless we provide the enforcement officers, the restrictions of the first two years will be totally ignored. That comes with a cost. The cost of enforcement could be substantial.

I, furthermore, believe that because of our inexperience in handling graduated drivers that like the Member for Morris (Mr. Pitura) indicated, it is tremendously important that we have a review mechanism. We may have found that we have made bills that we cannot enforce and then we start to just ignore them so we say it is okay to break the law. I think it is much more intelligent to review the bills and make modifications to the bills.

\* (16:30)

I would recommend that there be kind of a general review done, at the minimum after two years, and then every year after that until the fifth year, when we would really study the whole concept of the graduated driver's licence.

A number of things are happening that indicate we should have reviews. One of them is that circumstances are constantly changing. We are driving more powerful cars. We are getting different kinds of vehicles, off-road vehicles. We have different needs when it comes to providing

accommodation to farm families. Off-road vehicles are changing. They have become, to a large extent, work vehicles.

No mention is made in all of the notes that I have been able to obtain of the fact that there should be a review, and I think it is critical to make a bill effective. As I said in my opening remarks, I am not opposed to graduated licensing, but to make it effective we really, really need to have a review mechanism; otherwise it becomes sometimes just a joke. The legislation is not considered very seriously.

So, Mr. Deputy Speaker, I would hope that some of these recommendations may find their way into the legislation. Just to review, I believe that when the laws of the highways and transportation graduated driver's licence restrict people from gaining experience and that we will be giving them their full licence two years after they start this course, they may not have the necessary experience.

It is important to ensure that the laws are structured in such a way that the new driver does get experience during his two years, that he does get some miles on him and that he does have the opportunity to practise his driving. Experience is obviously what this bill is aimed at. This bill is aimed at the novice driver. The novice driver would, by definition, I think, be a person without experience. So if the bill is so restrictive and people do not get experience, we still have not accomplished the purpose of the bill. I think that really, really needs to be examined.

I also want to reiterate the need for understanding people with language problems, communication problems. These may be the best drivers you can get. They may be from Germany and they have driven on the Autobahn, but they cannot complete the English text. I think that we have to make accommodations for people with language problems, and we should not be so stone-fisted that we do not understand why people are not making their grades. As I cited in the example of my steam licence, I am not as qualified as the people who taught me, but the people who taught me have not been able to acquire a licence. That is not fair.

Having made those remarks, I would again encourage us to really study this bill, make sure

that we take as many kinks out of it as possible and maybe add a few things that will make it more practical. I am in favour of introducing graduated drivers' licences.

**Mr. Mervin Tweed (Turtle Mountain):** I, too, want to put a few comments on the record in regard to Bill 11. I think the government's intent in presenting a bill like this to the people of Manitoba is probably of the highest intention. I think whenever you go into communities and talk about safety and try to find ways to make our roads safer, who can argue with that? I mean, no one is going to suggest anywhere that we can suffer a certain amount of loss or we can endure a certain amount of pain. If we can resolve that issue and the safety issue, then the public does have a little less argument to deal with.

I do want to just briefly kind of review some of the things that I have heard and offer to the Government hopefully, as the minister of highways had said previous to this, that their ears were opened, and they were willing to look at other opportunities.

I think I first want to start out just by talking about the process. I know that the members opposite formed a committee and went around the province to discuss the graduated driver's licence issue. I would challenge a little bit, I guess, in the sense of the areas that they went into and at the time of the year that they went into those areas. I notice that they talk about attending 14 locations. I think, had people been a little more prepared and a little more observant of the issue, it would have been easier to get more people out, which may have actually enhanced the Government's ability to hear other alternatives and other ideas and perhaps present a document that would have been more palatable to the people of Manitoba in the first instance rather than, I guess, the second set of recommendations that they brought forward.

The comments in the document that we see talks about the number of people in rural Manitoba that supported the graduated driver's licence. I suspect that the number of people at the meeting, that is probably an accurate number. I would suggest to the members opposite and offer to them the fact that, had they raised the public's awareness a little bit more

about this issue prior to going out and seeking the information, they would have had a better turnout, perhaps a better discussion on the issues and the real concerns, particularly, as I am from rural Manitoba, in respect to the rural issues.

I do want to relate an incident. I had the opportunity to attend several of the schools in my constituency. In discussing this, one of the students brought forward to me the fact that they lived about 14 miles away from the community, and, when they saw the initial proposal for the graduated driver's licence, they had some serious concerns.

Having a younger sibling in the household, the concern of the mother was, with her driving daughter, when it was time to go to town, the mother would have to make a choice of going to town with the driver as the supervisor and leaving the younger child at home, or breaking the law and travelling with the second child in the back. Really, I guess she felt she was going to be breaking the law and, at that point, would have had no choice.

She took the initiative, and I compliment her on that. She phoned in to the minister of highways' office and presented this to him and said--actually, I will clarify that--phoned the minister's office and spoke to a person in the minister's office, not the minister, and laid out her circumstances as to where she lived and what a difficult situation that would present. The person that she spoke to in the minister's office said, well, just let them use public transportation. The woman, again, not certain that the young person she was talking to understood the situation, she said, well, where we live it is unaffordable. Public transportation just is not available to us, and this was going to be a problem, an issue for her and her family and several of her friends. The person, again, from the minister's office, commented to her, well, if you do not have public service transportation, perhaps we should get it to you.

I think that, in some small way, highlights some of the unknown things that were out there when this bill was presented and when it was first brought forward and when the recommendations were brought forward by the committee that went out to speak to the public.

\* (16:40)

I think whenever you have an issue that people have a special interest in or a specific concern, they are going to attend the meeting and they are going to present their opinions and their ideas.

Unfortunately, at the time, if people say: Well, it is not going to affect me or I am not sure if it will affect me or my children; I am not that interested in it—unfortunately, I think that was what has happened with these public meetings that they had. I do not have the numbers in front of me, but I am sure throughout the debate on this issue, we will be able to find out. I am not sure how many people in all, in a total of 14 meetings, how many people were there.

So I think to get a fair number, as I said attending the schools in my constituency, I found very few students and almost as many parents that were opposed to this type of legislation based on their concerns in their communities and their family's concerns. I think probably what happened was when the task force brought forward their recommendations they had heard basically from one side of the argument, and again what might have happened was when the task force brought these recommendations forward to the minister and to the Government, my thought is that the minister probably took the recommendations back to his own constituency and the people said: Not on your life; come back with a better plan. I think that that is exactly what has happened.

I commend the Government. Obviously, they did listen to people in a lot of ways after they had made their initial recommendations and looked at other alternatives and other suggestions. I know we certainly shortened the time frame of the legislation that has been proposed, and I think parents are accepting of that. There have been certain other issues that they dealt with in their revised package, and I think a lot of them are very good and acceptable, but I do think that there are certainly still some outstanding issues that people will want addressed, will want to talk to the committee and probably will come in and make the presentations to the committee here in the Legislature.

It is interesting, and I only throw this out for comment because I do not know, but I think it is

quite understandable that in anything, when you lessen the risk by the number of people—and I will use this example of drivers. If you have 100 drivers on the road for an hour, your chances of having an accident are just the percentages that are there. If you take 50 percent of them off the road, you obviously automatically should reduce those numbers.

*Mr. Speaker in the Chair*

I think it would be interesting of this government, and I would suggest that they might want to do it, is contact the other jurisdictions where they have had this type of legislation for a period of time. Let us measure the next group ahead of what they classify as the inexperienced driver, and hopefully we have not just bumped that percentage into the next category. That was one of the concerns that was expressed to me at public meetings that I held throughout my constituency.

A further explanation, what I am saying is if you take a group of 16-year-olds to 19-year-olds and cut their driving experience in half for two years, you automatically should reduce accidents. What I am saying is we should look at the group of 19-year-olds to 23-year-olds to see, because they do not have that extra time or experience. Because of limited driving ability, will the accident rates go up in that next age group? I am not sure if it will, but I say that is something that should be checked. If we can confirm that the numbers are staying the same or going down, then you know perhaps what is being proposed is certainly going to be more palatable.

One of the things that I hear expressed in my communities, time after time after time—and I suspect a lot of members opposite who represent rural constituencies and have several communities—is the fact that driver education is a vital part of this bill, and unfortunately it is not addressed in it at all.

I listen to the government opposite present bills. One of the examples I use is labour legislation, workplace safety. The idea is to educate the employers and the employees on better, safer conditions thus reducing the number of accidents.

I think we have missed the opportunity in the driving education side to augment or supplement or add to the bill that they are bringing forward in the sense that I believe education is the most important factor of this whole regulation and this whole idea of graduated licences. The challenge is to make better drivers. How do we make better drivers, Mr. Speaker? We give them more opportunity to drive, we give them more driving experiences. We give them experience to the elements and to the conditions that are out there, and we judge them based on that.

In fact, one of the young students at Baldur came up to me with a plan. She said: Why do you not have a learning licence that lasts for a year? She said: I would be forced to drive in all seasons, all conditions, and experience and gain that experience that I need. She suggested to me: Why do we not have specific time frames and time allotments for highway driving in ice, snow, rain, gravel?

Again, this is all part of a driver education program that I believe would enhance the graduated driver licensing program and probably get the buy-in from the outside communities that are feeling somewhat left out.

One of the other issues that people ask me about—and I think it is an issue that can be dealt with but probably has to be dealt with prior to the declaration or the bill coming into effect—is the fact that we are disadvantaging certain communities in our province by having the two age brackets of when you can start in the program and when you cannot. I can think of communities in my constituency where driver education is offered twice a year, spring and fall, but for the kids who fall in between those two time frames who cannot get access to it, they are destined to wait until they are 16 before they can start driving and start making the application for their licence. I think that is a handicap, and I suspect that in rural and northern Manitoba it is probably a big issue because of the access to it, and, again, that is why I think the driver education side of it should go hand in hand with it.

Having had experience with driver education in the fact that our company provided cars to schools for several years for the driver education program, I have always been a

believer in it. I have always been a committed person to the fact that I think that is how kids get to be better drivers. But one of the things that was always a concern as a businessperson which we did not emphasize I think as strenuously as others did, we always had a concern of how our vehicles would come back, in what kind of shape they would come back and what type of costs would we have to prepare them back for resale.

I think if you are going to offer the graduated driver's licence in the system where if you have a driver ed program you can get it at an earlier age, you have to make it available to all people, and therefore I think you have to be prepared to offer it either privately or through the school. I would never suggest that it has to be done only one way. I would say whatever way works in the communities where you are trying to access this type of program, whatever works for the community and whatever works to make it happen for them, I think that we should be looking at that.

When I talk about the driver education, I think there is a real opportunity for the Government to promote driver education which I think in the long term satisfies what their goals are in presenting this bill, and that is to present safer drivers. What the cost is, I am not sure, and I would hope that the Government would take the time to look at the cost. I suspect that the cost of offering a driver education side of the package would be less than administrating the original proposals and maybe somewhat less or the same as the new proposals.

In essence, I do recognize that the Government has listened to people, and I think that is a positive direction. I think that the motivation for this Government to bring this forward is a good one in the sense that, as I stated in my opening comments, who can argue about the safety of young people. I do not think you will get an argument from anybody on the street that whenever we can save a young person's life or any person's life, for that matter, it is a good and positive thing for those people.

\* (16:50)

Mr. Speaker, I will close out my comments. I know there are others who would like to speak

on this bill, and I will speak again on third reading. I can advise the Government that some of the schools that I attended have asked if they could make some suggestions to the Government through my office. I have encouraged them to write me letters. One of the teachers is doing it as a group proposal on behalf of the students, and I will forward them to the Government, and I will ask that they consider them and look at them.

As I say, the movement we have seen to date has been positive, and we will continue to offer suggestions to make it better, and, hopefully, everyone will listen.

So with that, Mr. Speaker, I will close and pass to my colleague.

**Mr. Peter Dyck (Pembina):** I, too, would like to put a few comments on the record regarding Bill 11. I know, as the previous speakers have indicated, most of us have children and have gone through the stage of receiving a driver's licence. For those of us living in a rural area, I can understand that it is somewhat easier than those who come from an urban setting. I think we have all had a variation of experiences with those who are receiving and getting their drivers' licences.

I have had the opportunity over the last several months, I guess the last few weeks, as well, to meet with different classes from different schools. Of course, the age of the student that is most concerned about this is the age where they are anticipating getting their driver's licence within the next several years.

My comments to them have always stemmed from the fact that the intent of legislation is to be able to benefit people. I have to assure you, though, that the majority of the students do not read this legislation in that frame of mind. I say that specific to Bill 11, the legislation should certainly be looking at safety, the safety of people on our highways and on our roads.

I guess a part of it would also stem from some misinformation that is out there and some of the comments that people have been getting. I am just going to relate one. I had a call from a

rather upset parent of a student who had called the department and had given a number of concerns specific to graduated drivers' licencing and had related this back to the fact that he came from a rural area and was involved in sports activities and needed to drive back home after school or possibly in the evenings go in for a game, especially during the busy seasons which are spring and fall, when the parents found it inconvenient and at times impossible to be able to give them that assistance that they needed in bringing them to the sports event.

So, anyway, this student—and the student comes from the Darlingford area—had called one of our bureaucratic departments. After a long discussion, the response from the bureaucrat had been, well, so, okay, if you do not have the opportunity to drive and if your parents cannot take you, well, then, just take a bus.

Well, I do not know if people know where Darlingford is, but there are not too many buses out there. So the student had proceeded to inform this gentleman that we do not have buses running out there, and the bureaucrat had proceeded to say, well, then, I think we need to get buses out there.

This is some information that goes out, and, of course, students bring this back to the classroom and will share this information with their own friends. This gets the rumour mill going, and it does not put good information out there specific to graduated drivers' licencing.

I know that a number of my colleagues have talked about this whole area of regulation, and I would agree with that. When we see something in legislation, we know what we are dealing with. When we have it in regulation, it gives the ability for Cabinet to just move on certain areas. I have a concern with that. I think the concern stems not from the fact that possibly Cabinet would not be making the right decision, but I also see areas in government and people involved in those portfolios who maybe are not as closely associated with rural Manitoba as, for instance, I am.

I know that they are out there, that they are listening, and I want to congratulate the task force for going out and listening to people across

the province. I know that they were in my own area. I was a little disappointed that we did not have a better turnout. Again, it is after the fact that people now indicate that, well, I wish I would have been there and expressed the concerns that I had.

So with that, I am saying there still will be an opportunity, as this bill is presented in committee, to come and speak to it. Certainly this is something that I have told these people who have voiced their concerns and indicated to them very clearly that, when in fact this does come before committee, we will be informing them of it, and they can come and register their comments and the concerns that they have.

Coming back to the part of regulation, though, it is a concern of mine that we keep in mind what I again believe is a primary focus of this, and that is safety on the roads. Again, if you talk to the novice driver, as is put in the bill here, they would agree with that. They want safety on the road as well.

That leads me to the other part that I would like to bring up in the next few minutes that I have. That is, I have all along advocated and enhanced driver education programs. I believe that this is really paramount in having safety on the roads. I have been with drivers who had their

driver's licence for many years, and I would suggest to you that they are not particularly safe drivers. They can drive. They have their driver's licence, but they have not learned to drive defensively.

I have to say that, even at times when I have a ride with my own children—they have had the opportunity to take driver training. They went to driver training, but it was not mandatory that they took a defensive driver training course. They learned how to drive. They were able to manoeuvre this vehicle down the road, but they did not learn to drive defensively. To me, as far as I am concerned, that is really the essence of what we should be striving to do when we talk about graduated driver's licence program, that we have something that in fact illustrates in a very profound way the dangers that are out there.

**Mr. Speaker:** Order. When this matter is again before the House, the honourable Member for Pembina (Mr. Pitura) will have 34 minutes remaining, and it will also remain standing in the name of the honourable Member for Minnedosa (Mr. Gilleshamer).

As previously agreed, this House is adjourned and stands adjourned until 10 a.m. tomorrow (Thursday).

# LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, May 30, 2001

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