



Third Session - Thirty-Seventh Legislature

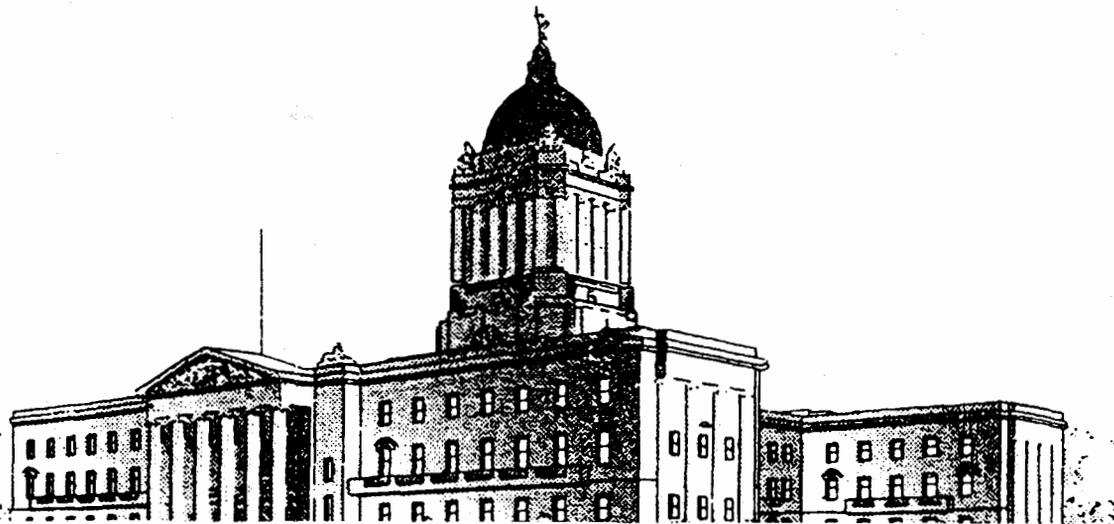
of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

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Speaker*



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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

Member	Constituency	Political Affiliation
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.
HAWRANIK, Gerald	Lac du Bonnet	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.
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.
STRUTHERS, 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, June 26, 2002

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Transcona-Springfield School Division

Mr. Ron Schuler (Springfield): Mr. Speaker, I beg to present the petition of Sherry Desorcy, Maja Kathan, A. Kathan and others praying that the Legislative Assembly of Manitoba request the Minister of Education (Mr. Caldwell) to reverse the decision to split the Transcona-Springfield School Division and allow it to remain as a whole or to consider immediately convening the Board of Reference to decide the matter.

READING AND RECEIVING PETITIONS

Transcona-Springfield School Division

Mr. Speaker: The honourable Member for Springfield (Mr. Schuler), 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 on November 8, 2001, the Minister of Education (Mr. Caldwell) announced a split in the Transcona-Springfield School Division but despite repeated requests has been unable to identify any benefits of this decision to the students and taxpayers of said school division; and

THAT this decision was not preceded by adequate public consultation as outlined in section 7 of The Public Schools Act; and

THAT this decision would result in significant hardships for the students in both Transcona and Springfield that would affect the quality of their education; and

THAT the proposal by the Minister of Education on February 12, 2002, neither alleviates nor remedies these hardships; and

THAT this decision results in an increased financial burden on the taxpayers of both the Transcona-Springfield School Division and the province of Manitoba; and

THAT on March 13, 2002, the number of resident electors required by The Public Schools Act requested the Minister of Education to convene a Board of Reference to decide the matter.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly request the Minister of Education to reverse the decision to split the Transcona-Springfield School Division and allow it to remain as a whole or to consider immediately convening the Board of Reference to decide the matter.

INTRODUCTION OF BILLS

Bill 48—The Legal Profession Act

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I move, seconded by the Minister of Intergovernmental Affairs (Ms. Friesen), that leave be given to introduce Bill 48, The Legal Profession Act; Loi sur la profession d'avocat, and that the same be now received and read a first time.

Motion agreed to.

Bill 51—The Statutes Correction and Minor Amendments Act, 2002

Hon. Gord Mackintosh (Minister of Justice and Attorney General): I move, seconded by the Minister of Finance (Mr. Selinger), that leave be given to introduce Bill 51, The Statutes Correction and Minor Amendments Act, 2002, and that the same be now received and read a first time.

Motion agreed to.

* (13:35)

Bill 50—The Resource Tourism Operators Act

Hon. Oscar Lathlin (Minister of Conservation): Mr. Speaker, I move, seconded by the Minister of Culture, Heritage and Tourism (Mr. Lemieux), that leave be given to introduce Bill 50 (The Resource Tourism Operators Act), and that the same be now received and read a first time.

His Honour the Lieutenant-Governor, having been advised of the contents of this bill, recommends it to the House.

Mr. Speaker, I tabled this bill as his Honour the Lieutenant-Governor having been advised of the contents of this bill, and he recommends it to the House.

Mr. Speaker: Has the honourable minister tabled the message from the Lieutenant-Governor?

Mr. Lathlin: Yes, Mr. Speaker, I am tabling the message from the Lieutenant-Governor.

Motion presented.

Mr. Lathlin: Mr. Speaker, The Resource Tourism Operators Act updates and modernizes The Tourism and Recreation Act, which was last amended in 1988. The outfitting industry has grown considerably in size and complexity, and the current act is inadequate and ineffective for managing lodge outfitter development.

Motion agreed to.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members first to the Speaker's Gallery where we have with us today 14 senior students from Kelvin High School who recently finished as the top public school in the country at the national "Reach for the Top" tournament. These students are under the direction of Mr. John Martens and are the guests of the honourable Minister of Family Services and Housing (Mr. Sale). On behalf of all honourable members, I welcome you here today.

Also in the public gallery we have from Gilbert-Rosset Community School 22 Grades 4 to 9 students under the direction of Mrs. Laurette Lacroix. This school is located in the constituency of the honourable Member for Carman (Mr. Rocan).

Also in the public gallery we have from Taché School 22 Grade 6 students under the direction of Mrs. Sylvie Mathers. This school is located in the constituency of the honourable Minister of Finance (Mr. Selinger).

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

ORAL QUESTION PERIOD

Chiropractic Services Coverage Reduction

Mr. Stuart Murray (Leader of the Official Opposition): To date more than 50 000 Manitobans have sent letters to this Health Minister expressing their concern and disappointment over the chiropractic services that have been cut under the Doer government. Shirley Heidbrecht, a constituent of the member from Rossmere, was hit by a car more than a decade ago and said yesterday that if it were not for her chiropractor, she would not be walking today.

Mrs. Heidbrecht also said she struggles to pay for her visits now because of the increase the Doer government has put on in forcing her, Mr. Speaker, in what they have done by cutting chiropractic services.

Mr. Speaker, my question to the Premier: What does he have to say to patients like Shirley Heidbrecht?

Mr. Speaker: Order. Before recognizing the honourable First Minister, I would like to remind all honourable guests who are in the public gallery that there is to be no participation whatsoever from our guests in the public gallery, and that also includes applauding. I would ask the full co-operation of all our guests, please.

Hon. Gary Doer (Premier): I know patient privacy is sometimes missed in this debate, but as I understand it the question would normally dictate that MPI would be responsible for the coverage and there has been no change in the MPI coverage. If you were talking 10 years ago, 10 years ago there were 15 visits, Mr. Speaker, a few years ago it went down to 12 visits under members opposite. So—

Some Honourable Members: Oh, oh.

* (13:40)

Mr. Speaker: Order.

Mr. Doer: Well, Mr. Speaker, again, there have been controversies in the past about patient records being utilized. I would want to be very careful about that because it is an issue of privacy and, therefore, it would be inappropriate for me to inquire back into the MPI files and respond accordingly.

Mr. Murray: What does the Premier have to say to Arlene Taronno, Mr. Speaker? Yesterday, Mrs. Taronno, talked in public about how chiropractic care has literally affected her quality of life in a positive way. She said, and I quote: That was the only thing that was able to get me through. I could not even sweep the floor or do anything like that.

My question to the Premier, who has made dramatic cuts in chiropractic services: What does he have to say to a patient like Arlene Taronno?

Mr. Doer: Members opposite, when they were in government, had—*[interjection]*

Mr. Speaker: Order.

Mr. Doer: Mr. Speaker, members opposite had a negotiated cap with chiropractors in their previous administration. When we came into office, the cap was exceeded, and there was no financial accountability and work to deal with that issue, so we are dealing with that issue. The chiropractic service—*[interjection]*

Mr. Speaker: Order.

Mr. Doer: Thank you, Mr. Speaker. The services are not covered under the Canada Health Act. Manitoba's chiropractic co-payments in this province are the fourth best in Canada and we feel that is a balanced approach to these very, very important services that people are getting.

Coverage Reinstatement

Mr. Stuart Murray (Leader of the Official Opposition): Thousands of Manitobans each year visit a chiropractor for treatment of back pain. They find that, in many respects, chiropractic care improves their quality of life better than going to traditional medical practices. The sad part is that this Government has cut services to those who can least afford it, those who are the least able to afford this they have just cut out of the system. It is clearly an attack on hardworking Manitobans and seniors.

I would like to ask: Will the Premier do the right thing? Will he say the right thing to Shirley Heidbrecht and Arlene Taronno and reverse his decision? Will he do the right thing for Manitobans and reverse his decision to cut chiropractic services?

Hon. Gary Doer (Premier): Mr. Speaker, the health care system when we came into office had the highest per capita spending of any province in Canada. We have reduced the number of vice-presidents that were working under the former government dramatically. We have reduced the number of—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: Mr. Speaker, we reduced the two administrative bodies in the Winnipeg Regional Health Authority from two to one. We have reduced the number of administrative bodies

outside of Winnipeg by one. We continue to look at other areas where tough decisions have to be made. These are not decisions that in a perfect world you want to make, but we have to continually reduce some of the costs.

* (13:45)

In this last set of negotiations with the doctors, we reduced the lab costs by \$12 million working with the professional organization and working with mutual consent.

The Minister of Health's (Mr. Chomiak) department has had a meeting with the chiropractors to deal with the overexpenditures over the cap, Mr. Speaker, but this Government on this side is not going to have a blank cheque for people to exceed caps after they are agreed to by members opposite.

Chiropractic Services Coverage Reduction

Mrs. Heather Stefanson (Tuxedo): Mr. Speaker, studies show that every \$1 spent for chiropractic care in our province actually saves our health care system \$7. Can the Minister of Health indicate today for this House, and indeed for the people of Manitoba and all Manitobans, how much his cuts will cost our health care system?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, some Manitobans go to a chiropractic, not all do, that is why we support chiropractic, but the average Manitoban who attends chiropractic has six visits. The average Manitoban will pay approximately \$20 a year more as a result of our changes for those six visits. You have to understand the average Manitoban where it is six visits will pay per year about \$20 more a year as a result of our changes.

Mrs. Stefanson: Mr. Speaker, will the minister admit that his \$4-million cut to chiropractic care in our province will actually cost Manitoba taxpayers \$28 million in lost savings to our health care system?

Mr. Chomiak: Mr. Speaker, the extrapolation of \$1 to \$7 would suggest that when members opposite cut the number of visits from 15 to 12,

actually eliminated it completely for 100 000 and 150 000 Manitobans at the time that took part in visits, had a very far reaching effect, if those numbers are in fact correct.

Let me add, on Tuesday, they said spend more on palliative care. Last week, they said spend more on midwifery. On Monday, they said you are spending too much on health care. They cannot have it both ways.

Mrs. Stefanson: Spending money on chiropractic care saves money for our health care system in Manitoba.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Point of Order

Hon. Gord Mackintosh (Government House Leader): On a point of order, Mr. Speaker. I am wondering if you could just kindly remind the member that her outburst is a matter reserved for debate, and supplementary questions require no preamble, *Beauchesne* Citations 409 and 410.

Mr. Speaker: The honourable Official Opposition House Leader, on the same point of order.

* (13:50)

Mr. Marcel Laurendeau (Official Opposition House Leader): On the same point of order, Mr. Speaker. If we are going to start quoting *Beauchesne*, I should have probably gotten up on 417, on provoking debate. As long as the Minister of Health is going to provoke debate, the members on this side of the House are going to put the facts on the record. The facts were that for every dollar spent, they save seven.

Mr. Speaker: Order. On the point of order raised by the honourable Government House Leader, I would like to take this opportunity to remind all honourable members *Beauchesne* Citation 409(2) advises that a supplementary question should not require a preamble. I would ask the co-operation of all honourable members.

* * *

Mrs. Stefanson: Will the Minister of Health just admit that his decision to cut \$4 million from chiropractic care will cost our health care system \$28 million which could be spent on much-needed equipment, medical equipment such as MRIs, ultrasounds and CT scanners?

Mr. Chomiak: Mr. Speaker, let us deal with the facts. First off, chiropractic is not covered under the Canada Health Act. Secondly, Manitoba will have the fourth-highest payment for chiropractic in the country.

The average Manitoban who goes to chiropractic, who averages six visits, will have to pay \$20 a year more. On top, chiropractic charge a user fee, have, Mr. Speaker. Chiropractors went \$1.75 million over their cap. It was not a decision we took lightly. It was a difficult decision, but under all circumstances given the pressure, given the needs for Pharmacare, given the needs for home care, given the expanded health care system we provide in other areas, we thought that this was a balanced decision in the benefits of all Manitobans to provide their services. MPI covers chiropractic, WCB covers chiropractic. We felt it was a balanced decision.

Chiropractic Services Coverage Reduction

Mrs. Myrna Driedger (Charleswood): The Premier (Mr. Doer) and the Minister of Health have spent a lot of time blaming the federal government for the cuts to chiropractic care, but it was the Doer government that made these cuts, not the federal government. It was the Doer government who also made some poor spending decisions in health care.

Can the Minister of Health explain to all these chiropractic patients in the gallery today why he is spending \$1 million to build a sandwich factory for his union buddies instead of spending \$1 million to cover and maintain chiropractic coverage for children?

Hon. Dave Chomiak (Minister of Health): Yesterday the Leader of the Opposition (Mr. Murray) stood up and said we were not spending a million dollars on that. Is it any wonder why Manitobans do not believe members opposite? I

might add we are not spending a million dollars on a sandwich factory.

Mrs. Driedger: I would like to ask the Minister of Health to explain to all these chiropractic patients who are in the gallery today why he wasted \$4 million to buy the Pan Am Clinic? Why did he put the money into bricks and mortar and take it away from patient care?

Mr. Chomiak: There were several reasons for that. First of all, I am very pleased that Manitoba has been rated as the No. 1 province for hip and knee replacements in the country. That was the most recent report. One of the reasons that we took Pan Am was to reduce the costs and provide more services, which is recognized in yesterday's *Toronto Star* as an action that should be followed by the Ontario government who are doing what the Tories here wanted to do and are privatizing services.

Mrs. Driedger: I would like to ask the Minister of Health to explain to all these people in the gallery today how he can add \$650 million more to his health care budget and, at the same time, decrease chiropractic coverage by \$4 million to these people of Manitoba?

Mr. Chomiak: I will explain it very well, and perhaps members who are in the gallery who were not here during this discourse will understand. When the rehabilitation therapists' contract came up, that member said spend more on that contract. When the nurses' contract came up, that member said spend more on that contract. When the doctors came up, that member said spend more on that contract. They did not budget over \$200 million in doctors' increases under their contract that we were forced to pay for.

Mr. Speaker, while we regret and did not want to put that increase on the chiropractor, we think, for the most part, we have been balancing well the health care system. Every time there has been a contract debate or dispute in the past three years that member has told us to spend more. So it is a bit of a contradictory position to take today on that very same issue.

Chiropractic Services Coverage Reinstatement

Mr. Mervin Tweed (Turtle Mountain): The Minister of Health seems to be a little sensitive

around the chiropractic issue. We on this side of the House are pleased today to hear he is not going to build a million-dollar sandwich factory.

What we would like to ask the minister is: Is he prepared today to redirect that \$1 million to reinstating chiropractic care in Manitoba?

* (13:55)

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, what I can say is we did not enter into a contract to spend \$100 million on computers that said we were going to save \$200 million. We ended that SmartHealth contract but lost over \$40 million under Tory boondoggles.

I can also say we were locked into over \$30 million in expenditures as a result of the frozen food boondoggle under the Conservatives.

An Honourable Member: You bought it.

Mr. Chomiak: Yes, and we purchased back the mortgage at a savings of \$2 million to \$3 million from what members opposite had done with the firm from out east. These are tough decisions. We did not take it lightly.

We did not do what members opposite did. We did not reduce the number of visits from 15 to 12. We took a balanced approach. The average impact on an average patient of chiropractic will be \$20 a year more for the person who has six visits.

Mr. Tweed: I would like to ask the Minister of Health if he would like to speak to the Minister of Gaming (Ms. McGifford), and ask her if she would re-allocate the \$1 million she spent on casino advertising in this province and reinstate it into chiropractic care.

Mr. Chomiak: Mr. Speaker, what the member forgets to mention in his preamble is that there was a \$60-million to \$80-million overrun when the member opposite sat around the table with respect to casinos. I think the member is playing a little bit of politics with the numbers.

The reality is these are tough budgetary decisions. We did not take it lightly. What we tried to do by doing this is still cover

chiropractic care, one of only five provinces that covers, it is the fourth-best coverage in the country, and we balanced it under acute pressure under a federal system where the Canada Health Act pays nothing for chiropractic care.

Mr. Tweed: If you are fourth out of five, that means you are the second worst.

Mr. Speaker, I am asking if the Minister of Health will reconsider the hiring and the hundreds of thousands of dollars he spent hiring spinners and also the money he has saved by shutting off his fax machine and not accepting the 50 000 faxes that were sent to him on behalf of chiropractic care, will he take those savings and reinvest it in chiropractic care today?

Mr. Chomiak: Mr. Speaker, I have to correct the Member for Turtle Mountain. There are 10 provinces in this country.

Mr. Speaker: Order.

Mr. Speaker: The honourable Member for Turtle Mountain, on a point of order.

Point of Order

Mr. Tweed: Mr. Speaker, on a point of order. The Government has clearly stated that chiropractic services are covered by only five provinces, that being the four Maritime provinces and Québec. If they are the fourth best of that group, that makes them the second worst.

Mr. Speaker: Order. On the point of order raised by the honourable Member for Turtle Mountain, it is not a point of order. It is dispute over the facts.

* * *

Mr. Chomiak: Mr. Speaker, as I indicated earlier with respect to this decision, there were very few areas in this Budget in which there was any kind of reduction. We looked at the entire Budget. We looked at labs where we reduced some funding. We looked at chiropractic where we reduced some funding.

We expanded funding in virtually every single other area of health care to try to meet the

needs and the demands. It was a tough decision. I have never said it was easy. I have never said it was something we wanted to do, but we attempted to balance the needs of Manitobans, recognizing we are only one of five provinces that cover chiropractic in this country. We did not eliminate it entirely.

An Honourable Member: Like in B.C.

Mr. Chomiak: Like in B.C., where it was entirely eliminated, except for those on social assistance.

* (14:00)

Chiropractic Services Coverage Reduction

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, when the minister was the opposition critic, on November 18, 1996, he felt then that chiropractic cuts were fundamentally wrong. I would like to ask him: What has changed his mind?

Hon. Dave Chomiak (Minister of Health): Mr. Speaker, when we looked at this year's Budget in terms of health care, we decided not to close 1400 beds, as occurred when members opposite were government. We decided not to lay off a thousand nurses, as happened when members opposite were government. We decided not to force doctors out of the province, as happened when members opposite were government.

We balanced the needs across the province and across the entire system. As I said, the reduction by members opposite from 15 to 12 visits and a cap on funding was put in place without any public knowledge, without any information. We had a tough decision. We are still one of five that cover it. We look forward to the Romanow Commission and perhaps some advice from the Romanow Commission with respect to what should happen with chiropractic in this country in the future vis-à-vis the core of medicare services.

Mrs. Driedger: Mr. Speaker, I have to ask this Minister of Health once again: Does his word not mean anything to him anymore? In

opposition he said one thing, and since he has become a Minister of Health he has so often changed his word. Does it not mean anything to him anymore?

Mr. Chomiak: I seem to recall, during the course of my tenure as opposition Health critic, I think eight occasions when a hospital in Brandon was promised by members opposite, at least eight occasions. That hospital is going up as we speak.

I remember opposition claims about a rural health physician plan. There was none. It is now in place. In fact, we announced last week the Office of Rural and Northern Health, something that was promised, positions for rural doctors.

Mr. Speaker, we also have implemented the expanded nursing program. Everyone in Manitoba knows we are doubling the numbers of nurses in training. We increased occupational and physiotherapists. We have increased training in virtually every profession. We have introduced a midwife program that was not in place when members opposite were government.

We have put in place a comprehensive system. While I regret we had to make some changes, some reductions this year, I think on balance it covers off the entire plan.

Mrs. Driedger: Mr. Speaker, I would like to ask this Minister of Health: What is to happen to the children on Monday, because on Monday that is the day he is cutting off all chiropractic coverage to children? How many children are going to suffer in this province because of that decision?

Mr. Chomiak: Mr. Speaker, as we indicated in our announcement with respect to chiropractic, there was a reduction in the fee paid from \$11.57 to \$8 per visit to a maximum of 12 visits. There had once been 15 visits, but they had been reduced unilaterally by members opposite.

We also indicated that coverage with respect to children 18 and under would no longer be under the 12 visits of chiropractic. People still have the ability to go to chiropractic with respect to their children.

Mr. Speaker: The honourable Member for River Heights.

An Honourable Member: Cuts on the backs of the poor and the defenceless. That is really brave, Dave. That is innovation for health care.

Mr. Speaker: Order. I just recognized the honourable Member for River Heights. The honourable Member for River Heights has the floor.

Hecla Advisory Committee Terms of Reference

Hon. Jon Gerrard (River Heights): Mr. Speaker, my question to the Minister of Conservation. I understand from the minister's recent letter to me that the Hecla advisory committee was formed to provide advice to Manitoba Conservation, which was, of course, then natural resources, about the sale of publicly owned property in the Hecla village area. To my surprise, the minister's letter indicates that he is not aware if there were specific terms of reference developed for this committee. I ask the minister: Were there no terms of reference at all for this committee or was the recordkeeping in the department so bad that the terms of reference were lost?

Hon. Oscar Lathlin (Minister of Conservation): I thank the member for the question because it gives me a chance to say to the House, yes, indeed, the paper trail with respect to some of the transactions that took place with respect to Hecla Island for the period before we came into government, it was not very good. When I looked into this situation, it became evident that we needed to look at it in a more in-depth way, and so, therefore, that is why we have resorted to asking the provincial auditor to give us a hand looking at the details of those particular transactions with a view to coming up with a report very shortly.

Mr. Gerrard: Mr. Speaker, I am incredulous. Is the minister trying to tell us today that the recordkeeping in his department is so bad that he does not know with certainty whether the records of the Hecla advisory committee terms of reference never existed or whether they were lost?

Mr. Lathlin: Mr. Speaker, what I am saying to the Member for River Heights is that I am

currently in the process of sorting out what paper trail was there, the system that was developed by the previous government. So I am in the process of sorting that out, and I hope to come up with a new policy with respect to land transactions in the very near future.

Mr. Gerrard: My supplementary to the minister. I mean, I asked the minister, surely it has got to be highly unusual, indeed, bizarre to have a committee set up to advise the minister on the sale of public assets and yet not to have a terms of reference.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Hon. Gary Doer (Premier): Mr. Speaker, the member opposite knows that this sale was initiated and the advisory committee that was established was long before this minister became the minister. I think in all fairness, the member from River Heights should state that. The fact that the minister has referred this issue to the Ombudsman and the Auditor to get a handle on the disposal of public lands, this is a very important issue. How are Crown lands disposed of, who has access to those sales, what criteria are used and how is the public interest protected? This minister has taken action to get to the bottom of it, and I am glad he has.

Flooding Flood Protection Programs

Mr. Stan Struthers (Dauphin-Roblin): My question is for the Minister of Conservation. Residents that live in the southeast corner of our province have been very vocal in saying that our Government has treated them well and has treated them in an expeditious manner, farmers in the area and people living in small communities in the R.M.s in the southeast part of Manitoba who have been hit with unprecedented rain levels and flooding this summer. Can the Minister of Conservation update us as to the actions that we have taken to protect people living in that area of further floods and report on the conditions in that part of the province?

Hon. Oscar Lathlin (Minister of Conservation): Mr. Speaker, I thank the

member for the question. I can report to the member about conditions on the Roseau River where the conditions are the worst for now. The Roseau River has reached its second crest from the back dam area to Stuartburn, and there has been virtually no change in the river levels in this area since yesterday. Levels will fall very slowly for the next three days, and more rapid declines are expected next week, unless of course there is a heavy rain coming.

Currently, Mr. Speaker, the Gardenton Floodway remains full with a record flow of 4200 cfs of water. Overflow on the west dike has been sealed off but seepage through the dike continues in some areas. Technical staff are on site providing whatever support is required by those communities affected. To date, 152 applications for disaster financial assistance have been completed.

* (14:10)

Manitoba Hydro Financial Statements

Mr. John Loewen (Fort Whyte): Mr. Speaker, senior officials of Manitoba Hydro confirm with the Public Utilities Board that the board of Hydro has approved the annual financial statements dated March 31, 2002, at their board meeting on June 13. Yesterday, incredulously, this minister admitted that he had not yet seen the statements.

I would ask the Minister responsible for Hydro if he did not think it was important that yesterday at noon when he met with Mr. Bob Brennan, the president of Hydro, that he ask Mr. Brennan what the financial shape of Manitoba Hydro was.

Hon. Greg Selinger (Minister charged with the administration of The Manitoba Hydro Act): Mr. Speaker, we reported in the Budget that we thought the net profits of Manitoba Hydro would be about \$209 million this year, for the year '01-02, and we have consistently used the statement in that order of magnitude.

For the last six years at least, starting in 1996, the year-end annual report of Manitoba Hydro has been provided to the Minister of

Finance on July 29 in '96, July 30 in '97, July 30 in '98, July 29 in 1999, July 31 in the year 2000, and July 31 in the year 2001. It is standard practice for Manitoba Hydro to provide the Government, through the Minister of Finance, their annual report at the end of July. This is the information I put on the record yesterday. I confirm it again today for the last six years.

The member opposite has invented an issue, like he continues to do with misinformation.

Mr. Loewen: Mr. Speaker, I would like to table the Visitor to Government Building report yesterday for June 25 that shows Mr. R. B. Brennan checking in at twelve o'clock noon to have a meeting with the Minister of Finance in Room 103.

I would like to ask the minister—*[interjection]* Well, I just tabled a report for your benefit, sir. I would like to ask the minister: When he met with Mr. Brennan, did he not feel that it was necessary, given the fact that he was taking for the first time in the history of the corporation \$150-million dividend, did he not feel it was necessary to ask Mr. Brennan to present to him the financial report?

Mr. Selinger: Well, you know, it is amazing to me that the member from Fort Whyte would snoop into other people's business.

But I can tell you, when I discussed with Mr. Brennan and the chairman of the board yesterday, when I discussed with the chairman of the board, Mr. Vic Schroeder, and Mr. Brennan, the standard procedure for when they provide annual reports, they indicated to me that they will give us that report at the end of July as has been done for the last six years, and the member knows that. The member knows when the reports have been tabled. The member also knows that under the former government they often were not tabled in the House until December.

The member has deliberately misled the House, as he did right after the Budget.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. It is a rule in our Manitoba House, when you use the words "deliberately

mislead," it is out of order. I would ask the honourable Minister of Finance to withdraw that word.

Mr. Selinger: Mr. Speaker, I unequivocally withdraw the expression "deliberately misled."

Mr. Speaker: I thank the honourable minister for that withdrawal.

* * *

Mr. Speaker: Has the honourable minister concluded his answer? You have about 12 seconds.

Mr. Selinger: Mr. Speaker, I would just reiterate the facts for the record, that it is standard practice for Manitoba Hydro to provide the Legislature, through the minister, the report at the end of July. That practice has been in place for many years, and will continue again this year.

Gimli Rail Line Status

Mr. Edward Helwer (Gimli): Mr. Speaker, the Minister of Labour's bungling and anti-business agenda has stifled Manitoba businesses from growing and has put two prominent Interlake companies in jeopardy. Gerdau MRM Steel in Selkirk and Diageo Canada, formerly Seagram's, in Gimli rely very heavily on the Gimli rail line to ship their products, and because of her legislation and unwillingness to listen to the legitimate concerns of stakeholders, the fate of that rail line has been sealed.

Can the minister explain to the workers of Gerdau MRM Steel and Diageo Canada, whose jobs she has put in jeopardy, why her legislation killed the deal that would have seen the rail line they depend on continue to operate?

Hon. Becky Barrett (Minister of Labour and Immigration): For the record, Mr. Speaker, the province of Manitoba, yet again, has the lowest unemployment rate in the country.

Mr. Speaker, I take exception to both of the general comments that were in the member's question. The issue has not been sealed. The rail

line is still active and CPR reported in the news today that they were still looking at options. It is not any legislation in this province that has made a difference. The procedures and the practices of the Labour Board would have been the same whether we had Bill 18 or not. The chair of the Labour Board, who has been on the Labour Board for 30 years in that government as well as others, says so.

Mr. Helwer: Mr. Speaker, why did the minister completely ignore the warnings?

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. I cannot hear the honourable member's question—[interjection]—and the member just told me he has better hearing than I do, and he cannot even hear the question. So, I ask the full co-operation of all honourable members, please.

Mr. Helwer: Mr. Speaker, why did the minister completely ignore the warnings and concerns from stakeholders telling her that her legislation will put an end to the expansion of employee-owned businesses in Manitoba and put major Manitoba employers such as MRM Steel and Diageo Canada in question and their employees in jeopardy?

Ms. Barrett: Mr. Speaker, the Government does not set the policy of the Labour Board. It is not bureaucrats, as the Member for Turtle Mountain (Mr. Tweed) put on the record; it is members and chairs of the Labour Board, an organization that is a quasi-judicial, arm's-length body of government that has been well respected by the business community, the workers of this province, to enable us to have a very good labour relations climate.

We do not control the actions of the Labour Board. This is not a sealed deal. CPR is still looking at options. We are still very confident that we will have a railroad that will service the Rolling Mills and the Seagram's distillery and the rest of that area. Let us not put the nail in the coffin just yet.

Mr. Helwer: Mr. Speaker, my supplementary question is to the Premier. How much additional highway upgrading and maintenance funding

will be required for Highways 8 and 9, given that rail service to these major Interlake businesses is now no longer available as a result of this Minister of Labour's bungling?

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Hon. Gary Doer (Premier): The minister has indicated the quasi-judicial role of the Labour Board. We respect the quasi-judicial bodies of the public. That board has one-half members appointed by business, one-half appointed by labour, a chair who has served through two different administrations of different values. *[interjection]*

I know the Member for Springfield (Mr. Schuler) did not get a question today, and so he has been going on all day. Perhaps the Leader of the Opposition (Mr. Murray) can get control of the Member for Springfield and bring some decorum to his side.

* (14:20)

Manitoba Labour Board Responsibilities

Mr. David Faurchou (Portage la Prairie): Mr. Speaker, this afternoon, once again, the Minister of Labour has expressed in this House her lack of understanding of the legislation, Bill 18 that she passed. Bill 18, clause 58.1: Will she admit here in the House that this did add additional responsibilities to the Labour Board?

Hon. Becky Barrett (Minister of Labour and Immigration): Mr. Speaker, I am explaining what the chair of the Labour Board has said, the chair of the Labour Board who has been in the past I guess maybe not respected by government that did not seem to respect individuals who have given decades, decades of wonderful service to a number of governments of several political stripes whose integrity has never before today in this session been called into question.

But now the integrity of the chair of the Labour Board has been called into question. The work of the Labour Board has been called into question by this member and by the Opposition, and they should be ashamed of themselves.

Mr. Speaker: Order. Was the honourable member up on a point of order? On a question? Time for Oral Questions has expired.

MEMBERS' STATEMENTS

Bill 14—Public Comments

Mr. Ron Schuler (Springfield): Yesterday on Bill 14 parents came forward to voice their opposition, and, unfortunately, the Premier was not there, so I want to read some of the comments.

Lauren Andrushko: Firstly, I would like to say that I am not usually inclined—

Mr. Speaker: Order.

Point of Order

Mr. Speaker: The honourable First Minister, on a point of order.

Hon. Gary Doer (Premier): On a point of order, Mr. Speaker. I know the member probably does not mean to do so, but unaccustomed as he is to breaking the rules of this Chamber he has again done so. It would be inappropriate to mention whether any one of us was in attendance or not in a committee, and therefore he is truly out of order and should be ruled that way accordingly.

Mr. Speaker: The honourable Member for Springfield, on the same point of order.

Mr. Schuler: On the same point of order, Mr. Speaker, last night and the last couple of days there has been a list of everybody who is on the committee. It is public information, and I was just trying to be helpful to the Premier, who could not be there last night, by letting him know what the public thinks about Bill 14.

I am surprised he is offended by that, Mr. Speaker, because I think it is in his best interests to find out what people think. For days he has been calling: Let the people speak. Let the people speak.

Well, they are speaking, and by far the majority against Bill 14. I want to bring that message to the Premier so he does the right thing and kills the bill.

Mr. Speaker: The honourable Minister of Consumer and Corporate Affairs, on the same point of order, with new information, I hope.

Hon. Scott Smith (Minister of Consumer and Corporate Affairs): New information, Mr. Speaker. The member opposite knows full well we do not mention members, whether they are present or not, in the House or in the committees. Certainly there is a list of 57 MLAs that is posted. None of us choose to bring in the House here who is here or who is not. He mentions people who are here and who are not.

It is unfortunate the Leader of the Opposition (Mr. Murray) was not there, but he starts to identify many of the members on this side. I do not think it is appropriate to do so. He should be corrected.

Mr. Marcel Laurendeau (Official Opposition House Leader): Just to give you a little assistance, Mr. Speaker, I do believe the Premier (Mr. Doer) was up and was stating that we should not refer to a member being here or not here in the Chamber. Where this happened, he is referring to a committee which was held last night.

You can refer at a committee whether a member is there or not. The list is made public of who is on the committee.

Mr. Speaker: On the point of order raised by the honourable First Minister, I will have to take this under advisement to peruse Hansard and seek advice from the authorities. This has never been raised, to my knowledge. We will check it out and come back with a ruling.

* * *

Mr. Schuler: Then on behalf of all members of this House, I will read some of the comments on the record.

Lauren Andrushko: Firstly, I would like to say that I am not usually inclined to speak up politically, but my presentation will explain why I feel so strongly about coming here this evening in opposition.

Greg Andrushko: I am tired of my son asking me why he may not be able to go to PET, Pierre Elliott Trudeau high school. I cannot

properly explain to him why this misguided decision was made.

Gladys Hayward Williams: I call on the Deputy Premier (Ms. Friesen), who went on record against amalgamation in 1996, to be a woman with the courage of her convictions.

Diane Duma: We have repeatedly been told that good legislation takes time, discussion, and fair input from stakeholders. Why not this bill?

Doraine Wachniak, the cousin to the Member for Burrows (Mr. Martindale), his own flesh and blood: I am here to state my opposition to sections of proposed 14.

Layna Penner, at École Dugald School: 25 percent of the teachers are transferring this year.

Diana Risbey: The Oakbank schools are overcrowded.

John Friesen: Why would a government need protection from judicial scrutiny?

Maria Kantyluk: I grew up believing that the voice of many would always be heard, but in fact the voices of parents were not. We are now being further silenced by Bill 14.

Karen Carey spoke in opposition, and she raised a lot of good issues. In fact it was probably the best presentation there that evening. It was very heart wrenching.

I would like to move on. Monica Ptak: This takes away our right to challenge the Government.

Karen Lalonde: I would like to begin by saying how disappointed and concerned.

In the end, the Premier (Mr. Doer) said about all the parents and about all the opposition that it was the minority going to be the tyranny against the majority of people. They spoke, Mr. Speaker.

Elks and Royal Purple Conference

Mr. Tom Nevakshonoff (Interlake): It is my honour to rise in the House today to tell of an event which occurred last weekend in the Interlake in the community of Ashern. The

occasion was the Annual Provincial Conference of the Elks and Royal Purple, hosted this year by District No. 7, which encompasses the communities of Ashern, Lundar, Riverton and Inwood.

While there I had the pleasure of meeting the national presidents, the grand exalted ruler, Leonard Kolb, from Balgonie, Saskatchewan, and the supreme honoured royal lady, Beverly Dukart, from Prince George, B.C. Also present were the outgoing provincial presidents, Geordie Pratt of Thompson and Joan Enns of Gladstone, Manitoba. We had the pleasure that evening to welcome incoming provincial presidents Marge Kempthorne and Don McIntosh, both of Carberry, Manitoba. Local dignitaries Wayne Kermested and Marion Cook were in attendance as well.

* (14:30)

The Elks and Royal Purple are national, fraternal and charitable in nature, promoting and supporting community needs through volunteer efforts of local lodges. Particular emphasis is focussed on the needs of children, as is evidenced by the Elks and Royal Purple Fund for Children. Money from the fund can be used to purchase hearing aids, braces, technical aids, medicine and many other items required by needy children. The associations have a special interest in the needs of hearing-impaired children, as it is recognized that communication is the vital link between human beings. The window of opportunity, the first five years of a child's life, is the critical period when vital communication skills are developed.

Mr. Speaker, I believe nongovernmental organizations such as the Elks and Royal Purple deserve special recognition by us in the provincial Legislature as they complement and expand upon the services that we attempt to supply to society in tight fiscal times.

On behalf of all of us here assembled, I offer thanks and acknowledgement for the fine work they do for the benefit of all of our communities.

Gimli Rail Line

Mr. David Faurshou (Portage la Prairie): Mr. Speaker, during the last question of today's

Question Period, the Minister of Labour (Ms. Barrett) placed upon the official record of this Assembly false and misleading information. The Labour Minister stated that my question—

Mr. Speaker: Order. I ask the co-operation of all honourable members. Every member in the House is an honourable member. Any facts that are brought to the floor of the Chamber hopefully will be accepted as facts. I do not think any member in the House would bring in information to mislead or falsely put information. I ask the honourable members, just a little respect for one another and just to choose their words carefully.

Mr. Faurshou: I appreciate your comments, Mr. Speaker. I apologize if I gave the impression that I was calling into question her honourable status within the House.

I do want to question, though, her understanding of Bill 18, which she brought forward to this Assembly in July of 2000. That particular piece of legislation did indeed add further responsibility to The Labour Relations Act, ultimately under the direction of the Labour Board and John Korpesho.

I was just wanting to bring that information forward, because we are speaking about a vital link in the transportation network for the Interlake. This proposal involved 2002's most outstanding transportation company here in the province of Manitoba, as recognized by the Minister of Transportation (Mr. Ashton) here. Cando Contracting owns the subsidiary Central Manitoba Railway, which was to take over the Gimli-Selkirk CP line. On June 24, Central Manitoba Railway informed CP Rail officials that CMR is no longer interested in signing a long-term lease to take over this line.

This is a catastrophic situation to two large corporations within the Interlake. Unionized employees' jobs are on the line because they require this transportation link for their produce.

Hon. Becky Barrett (Minister of Labour and Immigration): Mr. Speaker, I was not up for any particular reason. I apologize.

San Clara, Manitoba

Mr. Stan Struthers (Dauphin-Roblin): I am pleased to rise today and brag a little bit about a

great little community in my area, a community that knows how to get together and have some fun. That community is San Clara, Manitoba.

This past weekend, Michelle, Alexander and I were very pleased to join the people of San Clara at a turkey shoot. The Manitoba Métis Federation local purchased 40 turkeys they bought locally, and there was a competition for these 40 turkeys. It was an event organized by Giselle Funk, the chair of the MMF local at San Clara, and a good turnout that day in the sunshine to not only use their slingshots to win turkeys but play a little dice to win some turkeys. The dice were there for those who were faint of slingshot heart, I was told. I was pleased to take part in this event and I wish to formally apologize to those people who had to go running for cover when I was shooting my slingshot. Needless to say, I did not win.

The turkey shoot committee consists of Jules Brazeau, Jack Hiebert, René Martin, Lionel Bouvier and Rich Langan, along with Giselle Funk. The money they raised was for a good cause in the San Clara area, for adult literacy programs, a youth fiddling program, a youth and seniors square dance and jigging programs, and the ongoing funding of their new offices, the log house, of which the San Clara local can be very proud in the community of San Clara.

Mr. Speaker, I would ask everyone here to join with me in congratulating the fine people of San Clara, Manitoba, for a great event and for showing such splendid community spirit.

Hecla Advisory Committee

Hon. Jon Gerrard (River Heights): Mr. Speaker, I speak to the Hecla advisory committee dealing with a letter that I recently received from the Minister of Conservation (Mr. Lathlin) in which he says: In response to your question concerning the Hecla advisory committee, I understand the advisory committee was formed primarily to provide advice to Manitoba Conservation, then natural resources, about who should be eligible to apply for lots in the Hecla area. I am not aware if specific terms of reference were developed.

Mr. Speaker, this committee was set up by the former Conservative government to provide

advice to the then-Conservative minister on the sale of public assets, the publicly owned property in the Hecla village area. It is strange, even bizarre, to have such an important committee set up without formal terms of reference. Indeed, it would seem to be so irresponsible for a government to have a committee providing advice on the sale or disposal of public assets with no formal terms of reference that it seems quite likely such written terms of reference may have been lost or misplaced. So we have a real mystery as to how a government could lose or misplace such an important document.

It suggests much better processes need to be in place when establishing advisory committees and for subsequent record keeping. Until this is done, we will continue to have mysteries like the one at present: Did the Hecla advisory committee actually have a terms of reference or were these terms of reference lost?

The fact that the answer is not to be supplied easily and quickly shows a remarkable slipshoddiness in the approach processes to setting up an established advisory committee for the disposal of public assets. When this is taken together with situations like the recent news on the University of Winnipeg artifacts, it is clear that public institutions need to pay much better attention as to how public assets are disposed of, because these are assets which belong to all the citizens of Manitoba and great care should be taken when in fact there is sale of such assets.

ORDERS OF THE DAY

GOVERNMENT BUSINESS

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, the intention is to deal with some bills and then go into Estimates. Would you please call second reading of Bill 35 and then would you please do debate on second readings of Bills 27, 29 and 30.

* (14:40)

SECOND READINGS

Bill 35—The Child and Family Services Authorities Act

Hon. Tim Sale (Minister of Family Services and Housing): Mr. Speaker, I move, seconded by the honourable Minister of Conservation (Mr.

Lathlin), that Bill 35, The Child and Family Services Authorities Act; Loi sur les régies de services à l'enfant et à la famille, be now read a second time and be referred to a committee of this House.

Motion presented.

Mr. Sale: Mr. Speaker, as Minister of Family Services and Housing, I am honoured to present this legislation to the House for second reading and debate with my honourable colleagues. The legislation that we are considering, Bill 35, will strengthen the safety, security and well-being of children and families by honouring the recommendations made some 11 years ago in the Aboriginal Justice Inquiry.

The Child and Family Services Authorities Act officially recognizes that parents, families and extended families and their communities have a right and a responsibility to care for their children. This legislation will make Manitoba the first province in Canada to give First Nations and Métis people responsibility for child and family services wherever they reside in Manitoba.

This is a broad and systemic change requested by a great many people who shared their views throughout the AJI process and one to which our party made a commitment in 1991 when the AJI report was tabled by the honourable Judge Murray Sinclair and Mr. Justice Al Hamilton.

After thoughtful consideration and tremendous input from the Manitoba Métis Federation, the Assembly of Manitoba Chiefs and Manitoba Keewatinowi Okimakinak, our Government is prepared to move forward with legislation that will promote greater empowerment within the child and family services system among the Aboriginal people of this province.

The act was created to ensure that the development and delivery of programs and services to First Nations and Métis people respects their values, beliefs, customs and traditional communities. Aboriginal people who voiced their concerns through AJI have emphasized that any overhaul of the justice system in Manitoba must also include a re-

examination of the child welfare system. They see the child welfare and justice systems as interwoven and interconnected.

As they see it, the child welfare system as it now exists is yet another outside institution that disrupts their lives and societies. Indeed, the historic intrusion by child welfare authorities beginning approximately in 1960—and it is interesting, members opposite may not have read this history, but there was actually very little contact in the remote communities between the government child welfare services and First Nations and Métis communities north of approximately Dauphin.

There was really very little connection with these services east of the Winnipeg River in Manitoba. There was some limited connection in the central and southern area, but really until the 1960s, there was almost no sense that children and families on reserves should be the target of child welfare authorities' interventions. Indeed, the historic intrusion by child welfare authorities beginning roughly in the 1960s has been paternalistic and colonial in its nature because of the staffing and assumptions that were made, condescending and demeaning and often insensitive and even sometimes brutal to Aboriginal people.

Aboriginal children have been taken from their families, communities and cultures, first by the residential school system and later by the child welfare system. The legacy of both systems, while it may be of good intention in the hands of some of the practitioners, nevertheless, was founded on a belief of assimilation as the best policy.

Any members opposite who might be interested in that history might want to read the history, for example, of Diamond Jenness, one of the initial commissioners of Indian welfare in this province, whose stated policy was one of assimilation at the highest possible rate and with the greatest possible speed. So there was no doubt that the intent of the residential school system was to assimilate, and I think there can be little doubt that the intent of the 1960s scoop, as Judge Edwin Kimelman put it, was also an intention of assimilation.

If the views expressed by Aboriginal people in this regard are accurate, and our Government

believes they are, then the current child welfare system is also a key in the disproportionate number of Aboriginal people found in our correctional facilities. The fact that Aboriginal people still do not fully control their own lives and destinies, or the lives of their children, is a primary cause of this tragedy. This is wrong, and with this act we intend to address this injustice by returning more control to Aboriginal people over the ways their children are raised, taught and protected, to in fact recognize their inherent right.

If this situation is not addressed effectively, we are convinced that we will continue to see more not fewer Aboriginal people in our correctional facilities in the future. We will see more Aboriginal youth falling into self-destructive patterns that take them from institution to institution, from foster home to young offender facility, and finally into adult jails. The damaging pattern of suicide rates, high teenage pregnancy rates and school dropouts must stop.

My colleague the honourable Member for The Pas (Mr. Lathlin), who was then the Chief of the Opaskwayak Cree Nation, asked the Aboriginal Justice Inquiry: Is the current system conditioning our young for lives in institutions and not in society? This is a crucial question to ponder as we continue to work together to ensure the best possible quality of life for all Manitobans, their families and their children.

The implications of the historic patterns of colonialism and paternalism are most apparent to people in Aboriginal communities. These people are worried, Mr. Speaker. They know the numbers of young people in their communities are increasing at a much faster rate than that of the general population. They worry about the future survival of their languages, their cultures and their societies, if another generation is allowed to be swept into institutions and away from their communities and cultural roots. *[interjection]* Guys, can you just damp it down a little bit. Thank you. *[interjection]* No, I do not need to. They are good people.

It is for these and many other reasons that we have undertaken a careful examination of the provincial child welfare system in partnership

with Aboriginal leaders, their political organizations and other groups representing the interests and perspective of First Nations and Métis people.

The proposed legislation was born of many years of hard work, determination, compassion, foresight and shared concern for the future of Aboriginal people across our province. It reflects the vision and dedication of many people who recognize that bringing about systemic change is never easy but is essential to the long-term success of Aboriginal people in Manitoba.

With us, along the journey towards meaningful systemic change, were a number of people whose insights and commitment to change were instrumental in developing this proposed legislation. I want to name a few of them, Mr. Speaker, for the record.

John Ross was the director of child welfare from 1977 to 1983 and guided the establishment of the early First Nations agencies. He presided over the tripartite negotiations that resulted in the formation of the first child welfare agency in Manitoba in an Aboriginal community, Mr. Speaker, Sagkeeng Child and Family Services.

Roger Sidelar *[phonetic]* was the first Executive Director of Awasis Agency of Northern Manitoba.

Elsie Flett, now the executive director of West Region Child and Family Services, was a staff member at Child and Family Services for eastern Manitoba in the early 1980s. She assisted Roseau River and Brokenhead First Nation in organizing child welfare services in those communities. She, by the way, has provided exemplary leadership during the whole time of our last two years of work towards this legislation that I am presenting today.

Dave Daniels led the initiative towards a child welfare mandate for Dakota Ojibway Child and Family Services, the initial First Nations agency to receive a mandate under child welfare legislation.

Tim Malone was the first executive director of Dakota Ojibway Child and Family Services, followed by the late Esther Sidal *[phonetic]*,

who provided wonderful leadership until her untimely death about 10 years ago.

* (14:50)

Justice Al Hamilton and then Judge Murray Sinclair were the presiding co-chairs of the Aboriginal Justice Inquiry which produced its final report in 1991.

Mr. Speaker, I was privileged to work on that report, and, in fact, had the honour of writing some of the chapters on juvenile probation and on the child-welfare issues of Manitoba at the time. Indeed, I spent about two months working for the commission under Judge Sinclair and Judge Hamilton, and was honoured, in that work, to be a partner with a number of Aboriginal leaders as we worked through the child welfare issues.

Judge Edwin Kimelman, many of you will know his pivotal inquiry into the adoption of Aboriginal children in the early 1980s called *No Quiet Place*. Anyone who reads Judge Kimelman's report would be moved to tears by the stories that he was told while inquiring into what became known as the Sixties Scoop. Approximately 3000 children from Manitoba disappeared from Métis and First Nations communities in the 1960s and early 1970s, disappeared into the United States, into other parts of Canada. Many of them are today surfacing with issues of abuse, issues that are very difficult to resolve and which leave lifetime scars on their ability to live whole lives and to themselves be effective parents.

Also sharing our vision over the last number of years were the leaders of First Nations Child Welfare in Manitoba. These individuals were the interim board of directors for the Awasis Agency of Northern Manitoba in October 1982, and subsequently became the official board members when that agency received its mandate in February of 1983.

I would like to record these chiefs' names who are part of the history of this development: Chief Maggie Balfour, Norway House; Chief Rodney Spence, Nelson House; Chief Charlie Constant, The Pas; Chief Esau Turner, Grand

Rapids; Chief Sam Miles, Shamattawa; Chief Joe-Guy Wood, St. Theresa Point; Chief Russell Tobacco, Moose Lake; Chief John Joseph Harper, Wasagamack; Chief Robert Wavy, Fox Lake; Chief Walter Monias, Cross Lake, and he was the first chairperson of the Awasis agency; and Chief Ovide Mercredi, Grand Rapids, the key architect of the working group during negotiations. As you know, he went on to become the Grand Chief of the Assembly of First Nations, and I believe was, at one point, a student of our Deputy Premier (Ms. Friesen), Mr. Speaker.

The provincial government ministers of the day, 1981-84, also share in this milestone for their work on behalf of Aboriginal people: Len Evans, George Minaker and Muriel Smith.

As you can see, Mr. Speaker, for decades, community leaders and social activists have worked tirelessly to develop proposed amendments to the system. Though enacted in good faith, those changes no longer meet the full needs of one of our province's largest demographic groups.

Mr. Speaker, our legislation builds on a commitment Manitoba made to the First Nations people in the early 1980s. The Canada-Manitoba Indian Child Welfare Agreements established administrative authority for First Nations to deliver services but only within First Nations communities. The original intent was to cover service delivery for 63 First Nations communities, but this legislation also includes child welfare services to Métis people.

The Métis people have evolved into a unique nation, with its own culture, language, music, and traditions. Although it is a young nation, it has found itself in a struggle to save, preserve and protect the basic principles of and traditions that make them a unique nation. The Métis people have found themselves caught in a web of Family Services' policies not derived from their own people but forced upon them. No one can deny that Métis children and families have suffered greatly due to external policies that did not include them in their formation.

One can only imagine the struggle of those Métis families, essentially prisoners in a jail of

foreign policies and standards over which they had no influence, but thanks to the drive and determination of Métis families, the strong leadership of the people from the days of Riel to the modern-day leadership, their basic struggle has never faded. The preservation of their families and the protection of their children is their first priority. We must be grateful to those who have kept up the struggle, the mothers and fathers, the grandmothers and grandfathers, the aunts, the uncles, and, most importantly, the Métis children, who together have struggled to ensure that Métis people remain unified.

Dedicated people like Elsie Bear, Denise Thomas, Bruce Lavallee, Yvon Dumont, Ron Richard, Bernice Potoski, Lisa Bone, Rosemary MacPherson, Judy Mayer and David Chartrand have helped pave the way for this legislation. These leaders have ensured the continued priority of Métis services to Métis children and families and to ensure that this priority has been maintained within the MMF's framework.

In addition, there are many Manitoba Métis Federation staff throughout the province, past and present, whose dedication and commitment to Métis families have helped build a partnership between the Métis people and the Government of Manitoba, the fruits of which we can see today.

To better understand the intent of this legislation, it is important to put it into its proper historical context. The history of Aboriginal child welfare in Manitoba closely parallels the situation across Canada, marked by the same cultural clashes that served neither clients nor agencies very well. Like other provinces, Manitoba passed various laws over the years dealing with child welfare matters. In 1877, for example, Manitoba passed The Apprentices and Minors Act that established a superintendent of neglected and dependent children. The following year, the act respecting infants was passed. In 1895, The Humane Societies Act was amended to establish societies for serving children. Mr. Speaker, it is a sad comment on our history that there were humane societies respecting the protection of animals before there were societies for the protection of children.

In 1898, an Act for the Better Protection of Neglected and Dependent Children was passed,

which provided for the formal establishment of a children's aid society, and, in that same year, the Children's Aid Society of Winnipeg was established. In 1922, Manitoba introduced the child welfare act, which established the first foster homes and later the first group homes. But the child welfare system itself had only a very limited impact on Aboriginal people before the 1950s and 1960s, and the accompanying government-sponsored expansion of social services programs which took place during those two decades. With these changes came two other developments. The first was a massive migration by Aboriginal people into southern and urban areas, and, second, there was an expansion into northern Canada, a better communication and transportation and industrial development.

Mr. Speaker, it is a sad irony that much of that expansion was not fuelled by a humane development of societies but was actually fuelled by the cold war and the establishment of radar stations and communities throughout the North and particularly, for example, the community in Iqaluit, which did not exist until the Strategic Air Command built an air base there in 1949. The social distress that followed that can only be compared to some of the things that happened in some of our reserves under the same kind of circumstances.

With this expansion came southern bureaucracy, and Aboriginal and northern Aboriginal people, in particular, were no longer separated by distance or reserve boundaries. To their astonishment and dismay, non-Aboriginal people learned of the appalling inequities, the appalling living conditions which affected all aspects of lives of Aboriginal people. Unfortunately, their well-intentioned responses made the situation worse.

Prior to the 1960s, there was no formalized way to provide child welfare services to Aboriginal people in Manitoba living on reserves. But then, in 1966, the governments of Canada and Manitoba entered into an agreement that provided for the existing Children's Aid Societies of central, eastern and western Manitoba to deliver child welfare services to 14 bands in southern Manitoba; 75 percent of the bands in the North, however, were not covered by this arrangement. As in the past, the northern

bands continue to receive some services from the Department of Indian Affairs. The provincial child welfare authorities only intervened in emergency situations.

The expansion of these child welfare services to Aboriginal communities that took place across Canada at this time left a profound and negative impact on these communities. The Canadian Council on Social Development, for example, notes that, from 1955 to 1964, the representation of Aboriginal children in care increased dramatically in every province. In most provinces, these child welfare services were never provided in any culturally appropriate way. Instead of counselling families or consulting with the communities about alternatives, the apprehension of children became the standard operating procedure with child welfare authorities in most provinces.

Mr. Speaker, it was clear, from Judge Kimelman's report and others before him, that one of the chief mechanisms of apprehension was to deem the houses in which people lived as unsuitable for children. Of course, having failed to provide normal sanitation, normal standards of housing, Aboriginal people then became double victims, victims of terrible housing and then, by virtue of their terrible housing, deemed to be unfit to look after children. It was a double indignity, a double harm, a double injury, visited on the communities.

* (15:00)

In Manitoba, the child welfare system protected many Aboriginal children by taking them away from their families and placing them for adoption. This came to be known as the Sixties Scoop, but it continued into the 1980s. Although the horrific flaws in this approach would become evident later, Aboriginal people immediately condemned the practice. An Aboriginal citizen of the time expressed the hardships created by the process calling it the brutalization of families. Kidnapping was called placement in foster homes. Exporting Aboriginal children to the United States was called preparing Indian children for the future. Parents who were heartbroken by the destruction of their families were written off as incompetent people he said. Imagine.

The child welfare system was doing essentially the same thing with Aboriginal children that the residential schools had done before. It removed children from their families, communities and cultures and placed them in a society they neither understood nor understood them.

Child welfare workers removed Aboriginal children from their families and communities because they believed the best home for children would not be in Aboriginal homes. The ideal home would instill the values and lifestyle with which the child welfare workers themselves, usually white, usually middle class, usually with a post-secondary education, were familiar and, of course, deemed essential themselves. White middle-class homes in white middle-class neighbourhoods became adopting families.

Aboriginal communities and Aboriginal families were therefore considered to be unfit. As a result, in the one decade only, just in the 10 years from 1971 to 1981, more than 3400 Aboriginal children were shipped away to adoptive parents in other cultures and sometimes even in other countries.

I ask all members of the House to dwell on that number for a minute and to follow what this might mean if you thought about it in your own communities—3400 children taken out of your community in one decade, taken not just out of your local community but taken out of your country in many cases and not just taken to places where, for example, you might know where they were, but erased from memory. That is what happened in only one decade, 3400 children in one decade. And we wonder why those same children have trouble parenting and we wonder why those communities are still in distress? Tell me a community in the world that could say goodbye to 3400 children, not know where they have gone, have them erased from memory and not exhibit the signs of social distress.

By 1983, Aboriginal children were 50 to 60 percent of all children in care, according to statistics that were nationally prepared. Addressing the problem required a co-operative approach, and that is finally what the Schreyer government did in 1977. Recognizing the serious

problems existing in delivering child welfare services to Aboriginal people, the federal and provincial governments established a tripartite working committee on Aboriginal child welfare.

It was chaired by Caroll Hurd from the provincial Department of Intergovernmental Relations, with representatives from the Manitoba Indian Brotherhood, the Manitoba Health and Social Development departments, and the federal departments of Indian Affairs, Health and welfare.

The Indian Child Welfare Sub-Committee, as it was called, completed its work in 1980. It called for sweeping reforms to this existing child welfare system to better serve Aboriginal people. In its final report, the committee stressed the urgency of the situation while outlining the basic challenge in this way. The movement toward the delivery of child welfare services to Indian people by Indian people graphically illustrates and establishes the principle that Indian people must be involved in all levels and in all aspects of child welfare services.

The growing consensus that Aboriginal people needed and indeed deserved control over child and family services to exercise their inherent right inspired the development of several Indian child welfare agencies in the 1970s and through the 1980s. The plight of Aboriginal children in care continued to spark public outcry, so the provincial government of the day appointed Associate Chief Judge Edwin C. Kimelman of the Provincial Court Family Division to lead an inquiry into the child welfare system and its effects on Aboriginal people.

In his final report, *No Quiet Place*, Chief Judge Kimelman concluded that the Aboriginal leaders were right. The child welfare system was guilty of, and I quote from his report, cultural genocide. I think it is important to underline, Mr. Speaker, that this is the conclusion of a learned non-Aboriginal judge.

We often hear criticism of those among the Aboriginal community who state that they have been victims of cultural genocide. People think it is a bit over the top. Well, I remind honourable members that this is Chief Judge Edwin Kimelman who says that the child welfare

system was guilty of cultural genocide. He advocated a drastic overhaul of the child welfare system.

Attempts to achieve this worthy goal have been made but have fallen short of achieving the desired results. That is why, as Minister of Family Services and Housing, along with my colleague the honourable Minister of Aboriginal and Northern Affairs (Mr. Robinson), I am presenting to you today a proposal for The Child and Family Services Authorities Act that we believe will introduce the systemic change that will best serve the needs of Aboriginal people across our province, and our province as a whole. The act will establish four Child and Family Services authorities that will be responsible for the delivery of child and family services everywhere in Manitoba. Three of these authorities will be controlled and operated by First Nations and Métis people and will control the design and delivery of these services to their community members. The fourth authority will serve all other Manitobans.

In partnership with the authorities, the provincial government will continue to oversee the entire system and to hold responsibility for legislation and setting standards and compliance for the new authorities. The Family Services and Housing Minister also retains the power to take action if the health or safety of any child or family is threatened.

Mr. Speaker, the urgency for effective change to the current Child and Family Services system and the co-operation of many interested and concerned Manitobans has resulted in the formation of this act. I believe together we can ensure that Aboriginal children and families have the opportunity to thrive in their own culture, language and traditions.

In closing, I would like to sincerely thank the partners who worked so diligently and co-operatively to see this legislation become a reality. In particular, Grand Chief Dennis White Bird and Grand Chief Margaret Swan of the Assembly of Manitoba Chiefs and the Southern Chiefs' Organization, President David Chartrand of the Manitoba Métis Federation, Rosemary MacPherson of the Métis Women of Manitoba, Grand Chief Francis Flett and Vice Chief

Sydney Garrioch of Manitoba Keewatinowi Okimakanak and, in particular, Mr. Speaker, I want to pay tribute and offer my thanks to my colleague the Minister of Aboriginal and Northern Affairs (Mr. Robinson).

I have learned a great deal during this process, both from my Aboriginal colleagues and from my fellow minister who always exhibits a great sense of honour and service in his work on behalf of all Manitobans. As well, in closing, I would be remiss if I did not acknowledge the extraordinary contribution by the staff of my department, the legal services and the staff of our partner organizations.

Mr. Glen Cummings (Ste. Rose): I would like to put a few brief comments on the record on second reading of this bill. Undoubtedly there has been a lot of interest and a lot of work that has gone into this bill. Of course, there are a lot of people's concerns and aspirations that are also at stake in terms of appropriate implementation of this bill, if and when it becomes law, and appropriate services. That is the real key that I want to talk about this afternoon, and that is that it is correct to say that there needs to be appropriate delivery of services. There is no question raised on this side about that. But, as opposition, it is also our responsibility to make sure that the act allows appropriate actions to be taken and allows for appropriate management. When you are talking about the care and the welfare of children, in many cases it seems almost crass and cruel to talk about accountability and business management, but, nevertheless, it has to be discussed. That is where I see our role as opposition in this particular case, to probe the thinking of the minister and his department on how they see the bill as it is written, doing those things that will make it accountable.

I am looking forward to further discussion and further input from the minister and his department. I want to put on the record that I will be receiving an in-depth analysis from the department on this bill, and I appreciate that.

* (15:10)

But we are speaking to the principles of the bill here, today, as I understand second reading.

Therefore, I am quite comfortable having looked through the bill and seeing what I see in it as the principles that are trying to be put in place in Manitoba law. In the main, the principles are ones that I see certainly some bravery on the part of some people and I see some optimism. I also hear as a critic, obviously I will hear from those who have some difficulty and who want to raise issues and concerns. Whether they will come to committee when this bill is in committee remains to be seen.

As I evaluate the concerns that they bring forward and the issues that they raise, in the end I believe that the main point of debate is around accountability and allowing for that accountability to occur within the management of the system.

Certainly, I represent on the east side of my constituency some communities that have certainly had their difficulties and who have had issues around family services. They undoubtedly feel that from time to time the services have been less than appropriate. On the other hand, I have the highest regard for the people who have been working within the system. I have not yet met one who did not have the best of intentions. I may have disagreed with the choices or the decisions that were made. I reserve that right now and in the future. But I have not yet come face-to-face with someone delivering a program that affects children and families who does not think that they are doing the best they can on behalf of that individual or that family.

But we only need to look at the history of some tragedies that have occurred in this province to know that probably no matter what system is in place there are going to be issues that will continue. What we can hope to do from discussion of this legislation and where it moves forward from here is to put in place a system that does provide the best opportunity, provides the best care, the best service to those who need it the most.

I have not yet finished reading it, but *Flowers on My Grave*, by coincidence, landed on my desk just today, not from someone who was lobbying but from someone who is genuinely interested in some of the issues that are accounted here. Frankly, I am going to be

thumbing through this and looking at some of the comments that are made there as I continue to formulate my feelings around this bill.

As we speak to the principle of this bill, the minister has assured me that he is talking about accountability. In many respects, I can see the line of accountability he is talking about. I think it is only fair that I also put on the record that he and the new agencies as they come into place will have a significant level of responsibility that they will have to exercise in terms of making sure that the quality of care, the quality of individuals who will be delivering the care, is appropriate. That includes appropriate education, appropriate background on legal, and for that matter appropriate—and that is really the basis of a large amount of this—understanding of specific Aboriginal issues and how that should be related to as they are given responsibility for administration of the existing act, which this act will then make possible.

It seems to me that those are the issues that, as we sit here in this Legislature, we can talk in theory, we can talk in well-meaning terms, but, in the end, it will come down to the people on the front lines, the people in the suggested, well, the known agencies that will be taking over the administration. All of those people will, in the end, be responsible and be accountable for the success of the system that the Government hopes to set up with this legislation, if that can be appropriately debated and discussed without any of us taking too much ownership or propriety or proprietorship in terms of how we administer or how we deal with the intentions behind this bill.

I am choosing my words carefully as I stand here today, because I want people who might choose to read my comments to recognize that I, in recognizing the need for this bill, also recognize the challenges that go with it. I will be asking questions that are related to those challenges not to defeat the bill so much as to see if it has thought through all of the issues, if the authors have thought through all of the issues that are associated with it and, incidentally, if in fact it will allow for the continuum and the flow of services as the transition occurs. I know that is maybe stating the obvious, but that may well be the genesis of some questions that will arise out of this and some debate.

So, Mr. Speaker, I said my comments would be brief. I am not here to *carte blanche* provide a statement of support, but I am indeed providing support of the concept and the approach that has thus far occurred. If that seems a little odd coming from the Opposition, it should not seem odd coming from the area that I represent where, in fact, a significant portion of the constituency that I represent will be affected because of their background and because of their heritage. This legislation, while it affects all of us, and I would never for a minute say it does not, affects them, perhaps, more than most.

I think that this bill, and supported frankly by some of the thoughts and some of the problems that have been demonstrated as went into the writing of this book, and we have had reports, we have had judicial inquiries, we have had all sorts of venues over the years that have identified and talked about the problems and how they may or may not be solved, but, in the end, the one thought that I am going to repeat for emphasis, Mr. Speaker, is that indeed the delivery of the service in the end and the ability for those who are impacted by the service, the ability that they have to make sure that they are being fairly treated, that there is accountability in the process as it is devolved. Those are the key issues, and those will be the areas that I will be seeking some further discussion on.

Mr. Speaker, with those few words, I will close my comments, and one of my colleagues, I believe, is prepared to take the floor.

Mr. Gerald Hawranik (Lac du Bonnet): Mr. Speaker, I move, seconded by the Member for Fort Whyte (Mr. Loewen), that debate on the bill be adjourned.

Motion agreed to.

* (15:20)

DEBATE ON SECOND READINGS

Bill 27—The Safer Workplaces Act (Workplace Safety and Health Act Amended)

Mr. Speaker: Now we will resume debate on second reading on Bill 27, The Safer Workplaces Act (Workplace Safety and Health

Act Amended), standing in the name of the honourable Member for Springfield.

Mr. Ron Schuler (Springfield): Mr. Speaker, I would like to take this opportunity to put a few brief comments on the record. Bill 27 is a substantial bill that covers a lot of areas, and I think it deserves due process. Certainly, that is something that I have always felt that legislation should go through when bills are introduced in this House. The bill, as already stated, has been introduced by the minister. The minister did speak to the bill, and also in fact, the minister spoke on the bill on June 6, and she put some comments on the record which we will be reflecting on in my brief comments that I wish to share with the House.

The minister also then gave myself, as the opposition Labour critic, a briefing on the bill. Unfortunately, it was lumped in with two other bills, so it was kind of rushed. She did give us what is referred to as the spreadsheet. I have had some opportunity to get feedback from various communities and from the business community which I will be mentioning later on.

One of the things that I find is very important as Labour critic, and I think as any critic, it is important to take the bill and to attach a letter, that I usually put it in my letter, as the duties of Labour critic I find it important to get feedback. I sort of do a letter like that, and I send it out to all kinds of organizations and groups. That way we get a feedback of what others feel the legislation does or does not cover because there have been times when there has been almost unanimous agreement in the House, and others have come before committee and have indicated that there were problems with the legislation. What we want to make sure is that legislation that is passed through this House has, as we say in the vernacular, run the gauntlet. It has been tested and tried. In fact, there was a beautiful quote from a parent last night in committee who expressed that good legislation should take time, should take opportunity to be debated, should be vetted. I agree with that. I think it is important that, when we look at Bill 27, we give it that time. So what I want to do is just put on the record a few of the concerns that we certainly have heard.

We want to make sure that the concerns are going to be listened to, and as we get into the

process, there will perhaps be others that will be putting comments on the record, and then a very good opportunity for the minister and for myself as the critic. We get to go into committee and have an opportunity to hear those who might have concerns and perhaps there is an area that we had not seen or had not covered. So we then put it to committee. I guess what is very important is not just that people are heard but in fact that they are listened to.

An issue brought up today was the whole Cando rail line and a former piece of legislation that probably was not given the length and the breadth of time that it needed. We have heard from the minister that well, actually the bill had nothing to do with the Cando not taking over the line up to Gimli. I guess then, I think the question was posed why did we even need the bill at all. If it had no effect on it and it really does not do anything, then why did we have the legislation? Basically, that is what the whole legislation dealt with and it was called Bill 18. So we want to be very careful when we deal with Bill 27 that we make sure that the minister does not make those same kinds of errors again.

This minister has—and you know these are not my words. The *Winnipeg Free Press* has referred to her as having difficulty in her portfolio. *The Winnipeg Sun* and others have pointed that out. I think it is important that as the Opposition we point out where there are problems with legislation. With this bill, and I have the spreadsheet in front of me as well as the bill, I sort of wanted to just raise the concerns that some mention, but I think it is important that we work through the bill item by item.

Section 1 is amended in the part before the definitions by adding unless otherwise specified after in this act. Then they go through and they define various areas. Basically, additional definitions have been proposed for terms not previously used in the act. I guess that is sort of a given. There are new ways of describing professions. There are new ways of looking at them. For instance, as an example, proposed amendments place duties respecting safety and health on different individuals, so they define them. It deals with board means the Manitoba Labour Board. Construction project site is the workplace; contractor, owner or person

represented. Anyway, it lays it all out quite exhaustively.

Section 1 is amended by replacing the definition of committee with the following: Committee means a workplace, safety and health committee established under section 40. The change is: Committee means the workplace, safety and health committee formed pursuant to this act. So they, basically, have now made it established under section 40.

Section 1 is also amended by repealing the definitions of principal, contractor, and project. What they have done is, for instance, principal contractor is now prime contractor. It is a terminology that has changed in the whole construction industry. Prime contractor means the prime contractor for a construction project referred to in section 7. The definition—

Mr. Speaker: Order. I would just like to remind the honourable member that, when speaking to a bill, it is the principle of the bill, that you speak to the principle of the bill.

Mr. Schuler: Mr. Speaker, I thank you for pointing that out to this new member of the Chamber. What I wanted to do was just get into the meat and potatoes of this bill. I think it is important that we do go through legislation item by item. I think it is very good that way. So what I will do is, on the principle side of it, principally speaking, there are groups that have some difficulty with one of the sections, 4.1, for instance. What they have a problem with is the bill basically states that it is the supervisor who must ensure the safety. I guess, and perhaps we will hear from other groups, there also are safety committees, there also are shop stewards who are made safety captains, or there might be another combination of different individuals that deal with the whole safety issue. To place it just on one is perhaps a little too constricting.

I guess the other thing is that the bill does not deal enough with education. In that case it will have to deal a lot with education, because you have to make sure they are all up to that knowledge standard that the bill seems to demand.

* (15:30)

Section 4(5) of the bill defines competency, yet, in a sense, ignores it. That is a problem with the bill. There are problems, especially, Mr. Speaker, dealing with the whole training issue. The bill talks about that somebody in training is entitled to regular wages and benefits. One of the concerns that was raised is that this bill then kills any trainee program. Often we know that businesses go and they hire somebody who has a lot of enthusiasm, an individual who really wants to work hard and get involved in a trade, but they do not have the expertise. They are then put into a trainee program. They are paid less. The incentive for them to excel and to move up and look at improving themselves on a vocational and educational basis is the fact that the more education that you have, the more experience, the more you learn, the more you get paid.

I mean, clearly, a trainee does not get paid the same as a journeyman and so on and so forth. A master plumber, or whatever the highest category is, clearly would get paid the most. By forcing employers to pay for training at the same wage level as somebody who has done it for a lot of years or actually has the expertise and the education is probably not what the bill intended, and I would have to say that, again, it is probably a little bit—it is a hit against workers and probably was not well thought out. I suspect we will be hearing more on that.

The bill also raises issues such as reasonably practicable. I think, Mr. Speaker, as we go through this whole debate, that that term will have to be defined a lot better than it is in this particular legislation. It is a fairly broad term and it is basically throughout the legislation. It is in there time and time again. Those terms are best defined ahead of time, I suspect, and from what I have heard from many of those in the business community, they would like to see that defined a lot better than it is here.

Another issue that was raised on the bill is section 4.13. That basically deals with the whole issue of safety equipment. I have been in a lot of factories, and I know the Member for Lakeside (Mr. Enns) has been as well. When you go in, they automatically issue you a pair of safety glasses. Well, they do me, not to him, he already wears glasses, but they offer you those kinds of

safety features. If you are going into a mine, they offer you a safety helmet to make sure that if something drops, it does not injure you.

But this bill does not define it to a few items. What it does is it broadens it, and it says that the employer must provide it. I would suggest to the minister and I would suggest to the Government from what I have heard is that basically what is happening is they are bringing a bargaining issue into legislation.

How do you define a safety device? For instance, steel-toe boots on a construction site are basically considered to be your responsibility. Does it now mean that the construction contractor will have to provide all the construction boots, because it certainly does state that in this particular legislation. I mean, we all have to wear footwear, and it is accepted that if you are going to wear footwear in the plant, it has to be steel-toed. That is just a given, Mr. Speaker.

For instance, another example was given. If you are working in a slaughtering house, and a safety issue was parkas because you are always going in and out of coolers, then does the employer have to provide parkas as well? Where does that end? Often these things are best left with the bargaining units. It is best left with the safety committees. It is not a good idea, the fact that it is being enshrined in legislation. So that was another area or issue that was brought to our attention.

There are other issues that were brought up, perhaps not as much as a few of those that I have mentioned, but one of the issues that was raised in 7.4(3) is they talk about permitting, and it talks about permitting an employer to establish a workplace safety committee. Mr. Speaker, I think probably the wording in there is not that good. I think probably a better word should be used for that particular case. Certainly, when we get into committee, we will be suggesting perhaps a different wording there because that is probably not the best terminology used.

The bill also deals with a contractor or a business has to have certain criteria when they select employees or self-employed persons. I think that particular section, certainly when we

get further into the debate and when we get into committee, will be something that will be looked at because it raises a lot more questions than it answers and probably should be looked at again a little bit more in depth when we go line by line through the bill.

Again, we want to make sure and we want to raise to the minister's attention the last thing this province really does need is another antibusiness bill. Mr. Speaker, we have seen what Bill 18 has done for the short-line industry. I believe the individual Gord Peters had said that bad legislation, it will kill the short-line industry, and that is what it has done. It has basically killed the short-line industry, and it punishes businesses that rely on it. There is no money for roads. That is why we want to be very careful when we go through this bill, as we did with Bill 44, to ensure that there are not sections in here. We do that for the minister's benefit, to ensure that we remove the antibusiness parts of the legislation, because the minister has told me, on numerous occasions, how some of her best friends are businesspeople. She could not, of course, name any, but we just took her word for it.

We know that it is important to have a strong and vibrant economy. Certainly, the government of the day inherited a vibrant and exciting economy from the previous Conservative government. So we want to make sure that continues in the years to come.

One of the other issues, I think, with the bill is the whole stop-work-order issue. Clearly, if a business is running a business that is contrary to the laws and what we believe is appropriate in our province, a stop-work order is something that should be looked at. One of the provisions, though, of the legislation is that individuals that are affected would continue to be paid. Perhaps what the minister should be looking at is some kind of a time limit on that, whether that is for three days or a week or some kind, because basically what it does then, if the business goes out of business, what happens to the employee? Do they continue to be paid, and who pays them?

* (15:40)

I think the legislation is weak in that sense, and there has to be some kind of a time frame or

a clause that takes them out of that. For instance, if the business goes bankrupt, what happens then? I think there has to be a little bit more wordsmithing done with this particular piece of legislation in the 36 section of the bill. Clearly, what we want to make sure is that workers are treated fairly, because a stop-work order should not be a punishment to the employees. If there is a business that is abusing the laws of the land or putting workers at risk then that is an appropriate time to bring in that particular stop-work order. But the thing is that the individuals that we spoke to had a concern that this was infinite and that they felt it should be made a little bit more finite.

The bill also talks a little bit about more than one committee in a workplace. The feeling was from many individuals that that was very confusing. It is another area that perhaps has to be worked on a little bit more because it needs to be laid out what exactly is meant by more than one committee. We know that individuals go into business to run the business, to drive a business, to make money, employ individuals, support their families. What we do not want is legislation that confuses the issue, that makes it more difficult, that is punitive and in the end just drives business out of the province like we have seen with Bill 44. We have mentioned to the minister that one on numerous occasions. Bill 18 is killing the short-line industry, again another piece of legislation. So we want to make sure that these things do not stay in the bill and are not an impediment to doing business.

Another thing that the bill really does get into is premium pay. I think what has to happen is that has to really be wordsmithed before this bill can go through, because we all understand that if an employee is going on a training course that base pay is what is expected. You know, if they are going on a one-day training course, then they are going to get paid. When they talk about premium pay, what it deals with is, what if the individual is in car sales? Does that also include all the bonuses of the last week of all the cars. Does the premium pay include bonuses? There might be a bonus payment system in a workshop that a certain amount of work is done and you get the bonus. Is that included in the premium pay? I appreciate the Minister of Labour usually sits through these debates. I just bring that to her

attention, that maybe the whole premium pay issue should be wordsmithed a little better perhaps. We are talking about base pay. I do not think what she was trying to do here was include bonuses and those kinds of things. Perhaps the minister will take this back to her department and see if that cannot be wordsmithed somewhat.

The bill in different areas talks about premium pay. I would suggest to the minister that she not just look at the one section—I understand I am not allowed to mention sections because we are talking globally here—but that she look at the various areas that do have premium pay in them like the one following 415. But I do not want to talk about specific pieces, I just want to talk globally.

I certainly do not want to point out 41.1(2), because that would be getting into the details, and I am just dealing basically on a more global level here. I think it is very important that the bill does deal with committees. I think committees are important in every facet of life. In fact, the Minister of Conservation (Mr. Lathlin), I do not know if I have ever met or seen anyone who is a greater fan of committees and round tables and meetings and consultations. This bill does address committees. I am sure the Minister of Conservation has looked at those particular parts and just leaps for joy because it really deals with the whole committee issue.

I think one of the problem areas is how does a committee function. You get together, there are labour and management individuals that get together. They deal with an issue, it is discussed, it is talked about. When it is agreed to, it then comes forward as a recommendation, but it comes forward as a committee recommendation because basically what that signifies is that there is an agreement on the committee.

I notice the Minister of Conservation listens in rapt attention to how committees work, because I know he is just a professional on committees.

Unfortunately, I think this bill undermines the whole committee structure that I sort of explained because what it allows for is not just the committee to report, but it says also the

representative. I think that is problematic because if the committee does not have agreement then one group or the other can go back. For instance, if there is a committee in a mine and the labour representatives do not agree with where the committee is going, they then have a right to grieve through other areas.

My concern is that this bill will undermine the entire committee system by laying out that the representative can override with the committee as agreed to. I do not believe for a moment that that was the intent of the minister. I just think that perhaps the wordsmithing has gone awry and perhaps just has to be dealt with.

Certainly, the Member for Lakeside is a great fan of committees, maybe not as great a fan as the Minister of Conservation.

We want to make sure that the committees that are set up are not undermined, that they do work well, that they function in the appropriate way. We want to ensure that the workplace is a harmonious place, that there is not conflict when issues do arise, and they do arise. In fact, we see that here in the Legislature. From time to time, there are controversial issues that do come up, and they have to be settled. The Minister of Conservation's love for committees, often a good place to send an issue like that is deal with it at committee, but do not undermine the whole committee structure.

There are other avenues for one group or the other to then protest if it cannot be resolved at committee. I think there is a big difference between a committee and a representative. I think when the minister and her department go through that particular section, which I am not allowed to name, I am sure that the minister will come around on that particular issue.

There is another section which I am not allowed to mention, and I will not, Mr. Speaker, because this is more of a global discussion. Later on in the bill, from the point that I was discussing, it does again talk about information to committees or representatives. Again, I do not think we should be splitting those two up. I do not think it is a good thing to separate the two because it is important that you have that committee. The committee should be a working

group, and it is important not to undermine that with legislation.

So, Mr. Speaker, I again just bring this as issues that were raised by various groups and various interests in the community, and I think when we all work at this and wordsmith it and we take it back and work it through again, what we do is we end up coming back with better legislation.

There are, globally speaking, other issues. I know that there was a consensus report that came forward. I understand that the minister did not really follow the consensus report as well as she might have. At a later date we will probably have the opportunity to go point by point through that.

* (15:50)

The bill does reference the right to refuse dangerous work. There had been a clause in there at one point in time that you could not refuse work if it was part of the normal conditions of employment, and that was taken out. I think the minister has probably received some discussion on that.

The problem with that is, if the fire department or the police department or if a pilot says, oh, you know what, I just refused to work, there could be danger, the problem is that is a normal condition of employment. It cannot be unreasonable. Certainly, from 9-11, a lot has been learned. For instance, in the case of the fire departments, they will no longer send absolutely every piece of equipment and every individual they have available to the scene of a fire and then find out that they wipe out a whole percentage of the fire departments in New York.

I do not think anybody is talking about that, but there are some normal conditions of employment. It was a concern brought up, and I am sure the minister is being brought to speed on that particular issue. I certainly hope that she is having the opportunity to look at it because I think, again, we want to make sure that we have a good bill and that we have a strong bill.

I know that there are many, many issues in regard to tests and who will pay for tests. I

would caution the minister in regard to those kinds of things. If information is requested, it should be requested of the business, and it should be up to them. What happens is, if a mine in Inco is requesting, if something is requested, basically what can happen is they can be told they have to use somebody from the City of Winnipeg. You have to fly them all the way out. The test is done, and then they are flown all the way back. This probably is not what the minister had intended. It is a fairly onerous cost to the business.

If the Government or an inspector wants a certain test, then they are better off that the Government would pay for it. They would bring in the individuals to test, I think. There were concerns brought up about that particular issue. I am sure the minister will be looking at those kinds of things as she proceeds with this legislation, as we head through the whole process.

One of the things that has to be very careful, even when we talk about tests, the legislation does make some reference to an employee can refuse to take medical tests. I guess there is a concern there because, if a claim is made, and speaking globally, if a claim is made that a worker was injured or that something had taken place in the workplace, that to back up their case, to prove what they are trying to say, they should have to provide some kind of medical certificate.

If I claim that I have broken my leg, I should be able to prove that there was injury and have to provide a certificate. I think the burden of proof does have to be there. The bill also deals a lot with administrative penalties, or AMPs, as they are referred to. There were concerns raised in the business community that there is yet no evidence that AMPs improve safety. There is no jurisdiction that has gotten into administrative penalty where it has actually improved the safety of workers.

Probably the most effective way to deal with rogue businesses who will not protect their workers, who will put their workers in harm's way, who will not comply, the best by far, the best method of dealing with those businesses is the work stop order. That should actually be

where the focus is put on. That is where the bill should have been dealing a lot more with and not on administrative penalties, because this is another revenue stream.

In fact, the act, as it exists, is strong enough to deal with individuals and businesses that will not comply. In fact, the socialist republic of Saskatchewan, even looked at increasing AMPs, and they found out that they were not worthy, it was not worthwhile. The socialist government of Saskatchewan even backed down from AMPs. I know the government opposite looks at the government of Saskatchewan with great love and endearment. I would suggest that maybe they go talk to them, they look at what they have sort of done in this area, because it is far more effective to take a work-stop order and deal with a business that is not complying than it is with administrative penalties.

The concern was in the business community that this was an additional fine, it was a tax grab, a financial grab. It certainly strayed away from the review committee. The review committee did not go there. They felt that by far the stop-work order was the way to go. We will certainly have more opportunity to deal with this as the debate continues. We look forward to hearing other members of the House put things on the record.

As the bill stands, the feeling of the business community and those that were involved in the whole process was that it contravenes the consensus agreement, that it certainly did not follow what was agreed to, it does not address education, which was one of the focuses of the consensus report. This bill basically takes the focus away from the education focus and puts it on the prosecution focus. It is always the heavy hand of government, always attacking, always punishing, always taking on and going after individuals. What the Government does not realize is that this is how they continue to put businesses out of work.

Instead, what the consensus agreement talked about was a focus on education. For instance, with the supervisors, do not punish the supervisors, educate them, get them to the point where they understand what the duties and what the responsibilities are and not just always look

at punishing and at fining and those kinds of things. That is where, Mr. Speaker, I think, as we go through this process, what we will have to do is try to focus the Government to focus on education and not on punishment.

Mr. David Faurshou (Portage la Prairie): I move, seconded by the honourable Member for Lakeside (Mr. Enns), that debate be adjourned.

Motion agreed to.

Bill 29—The Engineering and Geoscientific Professions Amendment Act

Mr. Speaker: On the proposed motion, Bill 29, The Engineering and Geoscientific Professions Amendment Act, standing in the name of the honourable Member for Springfield.

Mr. Ron Schuler (Springfield): Mr. Speaker, it brings me great pleasure to once again stand and have an opportunity. I take it this time I will have more of an opportunity than the last time.

I am quite concerned that the Government has stalled and played politics with this particular piece of legislation. I have been in constant contact with the various organizations. They are very perturbed, because the bill leaves out a lot of the things that they have been calling for, what they have wanted and what they need. The Government has been stalling the legislation. I do not know if the reason for stalling was to punish the MLA for Springfield, which would be pathetic, but instead what they were doing was punishing the various organizations.

Mr. Harry Schellenberg, Acting Speaker, in the Chair

I want to get into the bill, Bill 29. Mr. Acting Speaker, engineers are a very important part of our society. The geologists play a very important part in our society as well. With the engineers, I think it is important that we recognize the contribution that they have made to society and to our communities.

* (16:00)

I think if we were ever going to take a case in point on where engineers have an effect, I

would point to 9-11 and the two World Trade Center towers and the engineering that went into those buildings. The only reason why tens of thousands of people did not die that terrible day is because of the engineering that went into those buildings. I have spent a considerable amount of time studying and reading and watching what what has taken place. The buildings were built, were engineered, to withstand the hit of an airplane. In most cases, if you would take a very—and what is remarkable, the Minister of Labour (Ms. Barrett) points out: What kind of an airplane? Actually, a far smaller airplane than what hit them on 9-11. Mr. Acting Speaker, what is so remarkable, and the Minister of Labour is absolutely correct in pointing out to me, is that they were never meant to withstand the kind of hit that they took on that fateful day, on September 11, but what happened is, as the airplanes struck the building, there was so much give in the building that they actually, and they have seen this on video tape, the buildings actually sway. They bent, they leaned over, and they came back and found themselves right back on their footings.

The brilliance of the engineering of those buildings is exactly what saved tens of thousands of people, and they were allowed to evacuate, in those 40, 45 minutes, the majority of the individuals who were working at that point in time in the building. Unfortunately, you cannot engineer a building that will withstand the kind of fuel that was loaded into basically trans-American flights, the kinds of fuel that was in those airplanes. No building could withstand that, but, if you take a building of the construction of a very solid and a very concrete kind of a building, an airplane hit like the one that hit the World Trade Center, or either of the airplanes, would literally have brought the building down. The building could not have withstood. It would have crumpled and came down immediately.

So I think we do owe a great deal of appreciation and thanks to those individuals who spend a lot of time making sure that our bridges are secure, that our buildings are secure. They have proved it, I think, some of the heroes, and they are unsung heroes. We know there were a lot of heroes in 9-11, but the engineers really did, a lot of those individuals, they gave them

the gift of life. They protected tens of thousands of people from dying that morning in New York by building a building that would withstand.

The basic premise of the bill, Mr. Acting Speaker, deals with internal organization. Certainly, we on this side of the House support the bill. We certainly support what is being done here. I had the opportunity to contact various organizations. We sent all of them a letter, and we did get back a positive response. They felt that it was time to proceed with this legislation. In fact, it should have proceeded a long time ago. I have been up on different occasions.

I had a meeting with David Ennis, who is the executive director and registrar of the Association of Professional Engineers and Geoscientists, Province of Manitoba, and it was very informative. He sat down and discussed with us that one of the main issues that they were dealing with was liability insurance. In particular, after 9-11, liability insurance is as rare and as difficult to find as hen's teeth.

A lot of the insurance companies had leveraged themselves far too far, and the rates had not been keeping pace. When 9-11 occurred, a lot of them found out that they have leveraged themselves to the point where they could have faced financial difficulty. Of course, then Uncle Bush stepped in and—[interjection] Uncle George Bush, the President, stepped in, and he did the right thing. In a lot of instances, the Government then covered the costs. Again, it was a real warning to the insurance industry to make sure that they had their house in order, to make sure that they had enough coverage that, when an event like that happened, they could, in fact, protect those individuals who had bought insurance from them.

So the difficulty was a company, and you could take, for example, Monarch Industries, would have an engineer on-site and as long as the engineer was just doing work on-site, that was fine. If there was a concrete pump or a water pump that somebody needed, but they needed it retrofitted to a special project, then the engineer would be used to help retrofit that particular pump. The difficulty with that is now you are starting to do outside work and for that the company would need insurance, liability

insurance. What they found out is they went to insurance companies and insurance companies said: Well, that does not fit within any of our criteria. So either they would deny the insurance—and from what I understand is that after 9-11 basically all those kinds of insurance policies are now being denied. Basically, the business is then caught between a rock and a hard place. If they even did get liability insurance, it was so cost-prohibitive that it just was not worthwhile.

What this bill now will do is it will help alleviate that particular difficulty that the business community has. The engineering and geoscientist association has been working on this with the Government, and it changes a few of the other areas, and I know I am not allowed to speak to specifics, so I will be careful that I do not.

I think it is important that as times changed and the planes started to hit the World Trade Centers, I said to my family, the world as we know it will never be the same. The effects will come and they will be major effects. We have seen that with the engineers and the geoscientific professions. We have to change with the times, and I think that is the argument here with this particular piece of legislation.

We know that there are a lot of businesses that on an increasing basis have to protect themselves. In fact, professional liability insurance is readily and reasonably available to companies that provide professional engineering and geoscientific services in the traditional consulting sector. Just for the record, this is something that I received from David Ennis, and he really does lay it out well. The change is proposed because the current wording is very restrictive and because the specified contracts of insurance, i.e., professional liability insurance, with a company as the named insured are not readily available, and are often unavailable to those companies that provide engineering or geoscientific services to a client or a customer along with the product or asset, exactly as I explained the issue with Monarch Industries.

What will change is the insurance requirement for certain companies in the manufacturing sector that provide professional

engineering services associated with a product will be changed. The change will be that evidence of an existing contract of professional liability insurance that provides coverage for the individual professional engineers employed by the company together with evidence of general comprehensive liability insurance and/or completed products liability insurance for the company will be accepted when issuing a certificate of authorization.

* (16:10)

The insurance requirement for certain companies operating in the exploration geoscience sector whose businesses extend beyond pure consulting and include acquiring the rights to potential mineral properties for the purpose of later selling those rights after exploration activity has been undertaken will be changed. The changes for exploration geoscience will be either that (a) evidence of an existing contract of professional liability insurance that provides coverage for the individual professional geoscientist employed by the company together with evidence of general comprehensive liability insurance for the company will be accepted when issuing a certificate of authorization; or (b) the requirement to maintain professional liability insurance coverage will under certain conditions be waived when issuing a certificate of authorization to companies that undertake to restrict their practice to providing professional geoscientific services to the mining exploration industry. It will not be a blanket waiver and will be made on a case-by-case basis.

Now, we certainly asked about this. We asked about, why would you want to waive liability in any case? What they said is liability insurance is not only expensive but almost impossible to get in some cases. So you have an individual who has been hired by a mining company to go and take some samples. Normally they would need some kind of liability insurance. For instance, a one-person corporation rather than a partnership or an independent operator does a job for Inco, drills a hole, and gives a probability study. If he or she confines his or her work to Inco and Inco says no liability insurance is necessary, in that case the liability insurance can be waived. Inco would see no exposure.

I think it is important that this kind of legislation come forward. I think it is timely, Mr. Acting Speaker. So, you know, I think that really does explain those particular areas.

We are also given sort of a history of how the whole issue unfolded. What was explained to us is there had been a turf war for many years over jurisdiction in the planning and design of buildings. The most recent flare-up, as was explained to us, was a prosecution launched against an engineer in 1994 which went through Provincial Court, Queen's Bench, and on to the Manitoba Court of Appeal in 2000, where leave was not granted. The outcome was a non-decision. They say they won. They say they did not win.

In the midst of all this, The Engineering and Geoscientific Professions Act was enacted in 1998. It establishes a joint board of the two associations to work on resolving issues of jurisdiction. It took until late 2000 to get the board going. There is some recent indication that it is starting to come to some agreement. They still have some strong objections to one section of The Architects Act, but they are hopeful that the joint board process will resolve that. What is important is that all the various organizations get together and agree on these various issues, Mr. Acting Speaker.

They go on to state: One of the features of The Engineering and Geoscientific Professions Act from 1998, a replacement to the former The Engineering Professions Act, is what is known as the certificate of authorization, a licence for corporations to practice and provide services in its own name.

A condition of that licence is that the corporation has professional liability insurance. The concept of the certificate of authorization is similar to the provisions of the act in other provinces in Canada. What is different is the requirement for professional liability insurance in one of the sections. There is no problem for engineering companies that are doing stand-alone consulting. The problem comes from the design-build manufacturers, and, as we explained, Monarch Industries and the exploration geology companies. Many cannot get the liability insurance. If they can, the cost

becomes prohibitive and affects their competitive positions with other provinces. Certainly, what we want to do is make sure that our businesses are competitive and that they are competitive, not just with other provinces, but that they also be competitive on a global level.

Long before September 11, there were issues of availability of professional liability insurance of those kind of companies. Now it is more acute. Again, I sort of mentioned, or I did address this, that with 9-11 liability insurance is very difficult to get.

The only other province that has legislation dealing with professional liability insurance for a holder of a certificate of authorization is Ontario. In that province, there is a requirement for it or, if not, a declaration that there is not.

The problem with current legislation is there is no wiggle room. Section 16 was put into the previous act by the government of the day in 1998, when they went through a public policy review, once the implementation process began and the problems referred to earlier became apparent. Again, these documents have to be living documents. They are established, and then you find areas where there is a concern. The initial representations came in the form or from the Mining Association, exploration and geoscience.

It was evident that many of the design build manufacturers have professional liability insurance coverage with the individual engineers as the named insured but not the company. So what happened was they could not get insurance, and thus the engineering association could not issue the licence. What happens is they get into a catch-22. You do not get insured; you do not get a licence. Without a licence, you cannot practise. Basically, what it was doing is it was starting to cause a real problem for businesses.

The Government was approached with an amendment to allow some alternatives, thus the amendments that we have before us. The consultation process with other organizations took place over the winter, and they included the MMA Joint Board, the CTTAM, the AMLS, Consulting Engineers of Manitoba, Mining Association, Manitoba Securities Commission,

Winnipeg Construction Association, Canadian Manufacturers' Association, brokers, Encon and the EPIC. A consultation document was provided to all with no objections. The document provided some of the background and information on what would change and what would not change and the plans for the development of criteria and guidelines for the implementation.

Mr. Conrad Santos, Deputy Speaker, in the Chair

Mr. Deputy Speaker, that sort of gives some history on how the whole process went forward. I think it is important, as the minister said. It is important that the amendments—and I quote from the minister: In our view, the amendments set out in this bill have the full support of the stakeholders and take into account the public interest. She asked that we move it forward. It was too bad that she and her Government played politics with it and did not move it forward posthaste, but we believe that it is now time for this bill to move from second reading and go to committee.

Mr. Deputy Speaker, I would like to conclude my remarks with, once more, congratulating the engineering and geoscientific professions for the hard work that they have done, for the effort that was put into the legislation. It is not an easy process to go through. They were vigilant. In the end, what we will get out of it is a very good bill that, hopefully, then will be able to carry them forward for many years to come. So we, as the Opposition, will be supporting this bill and would like to see that it gets through to committee in good order.

* (16:20)

We want to obviously hear from all the various groups. We want to hear what they have to say and have their input. I think that is very important. Hopefully it goes to committee next week, perhaps even next Tuesday evening and from there move it on to third reading and Royal Assent. Thus, the kind of quandary the organization has found itself in can be resolved. So it is my pleasure to help move this bill on to committee.

Mr. Jack Reimer (Southdale): I move, seconded by the Member for Fort Whyte (Mr. Loewen), that debate now be adjourned.

Motion agreed to.

Bill 30—The Architects Amendment Act

Mr. Deputy Speaker: To resume the adjourned debate on the proposed motion of the honourable Minister of Labour (Ms. Barrett), second reading of Bill 30, The Architects Amendment Act; Loi modifiant la Loi sur les architectes, standing in the name of the honourable Member for Springfield.

Mr. Ron Schuler (Springfield): Mr. Deputy Speaker, it brings me great pleasure to put a few brief comments on the record on Bill 30. The bill was introduced by the minister. She then took the opportunity to put some comments on the record. We were also briefed on the bill. I would like to just deal with a few of the issues that were raised for us.

Before the bill was even introduced, I had a meeting with two individuals representing the architects' association: Colleen Suche, counsel, she is with Scurfield Tapper Cuddy; and Stephen Cohlmeier, he is an architect and urban designer with Cohlmeier Architects Limited. It was a very good meeting.

I was a little perturbed that they came forward with a suggestion that the Government had told them if they wanted speedy passage of this bill the Opposition was going to stall it. What is interesting, we did not even know a bill was going to be coming forward. It was not even on the Order Paper. Yet, for some reason, the Government felt we were going to stall it. That kind of fear tactic, I think, is unbecoming. It is too bad that kind of thing took place, especially since we have been trying to push this bill for more than three weeks and the Government has sat on its hands and has denied the opportunity to speak on it and to move it on to committee and hear what the various communities have to say.

The reason that took place is the Government wanted to play politics. This Government, in particular, likes to play its little

politics. I guess that, in the end, is their right, to play politics, but that is the way it goes.

In the meeting we did have with Stephen Cohlmeier and Colleen Suche, they gave us a list of sort of what they felt the general parameters of the bill were going to deal with. I would point out none of the documents I am dealing with would have had the benefit of seeing the legislation.

What they felt was that the amendments to The Architects Act are proposed for the following reasons: No. 1, they felt it was to provide for consistency in trade practices in order to provide the right to practice on a basis which conforms to legislation in other jurisdictions.

In order to comply with NAFTA accords, changes are proposed to clarify that: (1) partnerships of corporations are permissible; (2) other types of group practice such as joint ventures, consortia, et cetera, are permissible; (3) temporary licences may be granted to permit individuals or entities entitled to practise architecture in another jurisdiction to collaborate on a project with an architect registered in Manitoba. They also felt to protect the public interest by establishing penalty provisions for unauthorized practice which are comparable to other professional legislation in Manitoba.

Current penalty provisions in The Architects Act provide for a maximum fine of \$500 for a first offence and a thousand for subsequent offences. These penalties do not provide an effective deterrent, so they claim, and hence do not adequately protect the public interest. Accordingly, it is proposed that penalties be increased to maximum fines of \$10,000 for a first offence and \$20,000 for subsequent offences. This is consistent with fines set in legislation recently passed respecting engineers.

They fail to protect the public interest by addressing issues of unauthorized practice through a wider range of legal mechanisms which are comparable to those available to other professions in Manitoba. Currently, The Architects Act provides only one process to address unauthorized practice, namely summary conviction proceedings in court. It is proposed

that amendments will provide greater protection of the public interest by allowing the associations to institute civil proceedings as an alternative to or in addition to summary conviction proceedings.

To modernize appeal provisions from discipline hearings, they felt, consistent with The Law Society Act, The Medical Act and certain other legislation governing professionals, it is proposed that appeals from discipline hearings involving architects be made directly to the Court of Appeal. These changes are required to limit the number of levels of court review, while at the same time preserving the rights of the affected member to have a full and fair appeal from an adverse discipline decision.

They also gave us a list from the organization. The following organizations were provided with a copy of the actual draft amendments: the Association of Professional Engineers and Geoscientists of the province of Manitoba.

In fact, I am going to stop there for a moment, and I just want to read some of the comments that were received from the Association of Professional Engineers and Geoscientists of the province of Manitoba. Their feelings were: We are okay with the amendment as such. Other than for the partnerships of corporations, many of the changes are direct lifts from The Engineering and Geoscientific Professions Act. We approached in early 2000 with a proposal on these amendments. Other than one subsection—and they felt that there was a typo—we are okay. The subsection has been removed. Where we raised an objection is with the current section 16—and I understand I am not allowed to deal with specifics, so that will have to come in third reading, or the groups can come to committee and present themselves. The effect is that one cannot have a firm that offers both engineering and architectural services, unless architects control the firm. I think they will be coming forward and putting this case forward. The issue is before the joint board, and certainly we hope that this can be resolved at the joint board. We have some reason to believe that it may be resolved. We will wait for another day.

So that was sort of what the Association of Professional Engineers had to say to this particular bill.

We did get another letter. Well, first of all, they also approached the Association of Manitoba Land Surveyors, and they approached the Manitoba Association of Landscape Architects, the Professional Interior Designers Institute of Manitoba, Winnipeg Construction Association, Architectural & Building Technologists Association of Manitoba or ABTAM, Certified Technicians & Technologists Association of Manitoba.

* (16:30)

I did receive a response from Guy Newman, because what we did is we sent a letter to all of these individuals. In fact, the letter I wrote was: I am writing to you in regards to the forthcoming amendments to The Architects Act. As Labour critic, it is my place to provide commentary on all new labour legislation brought forward by the Government. To ensure that my commentary is both constructive and informed, I welcome the input of those individuals and organizations that will be affected by the proposed legislation. As such, I invite you to share your opinion of the proposed amendments to The Architects Act so I may more effectively act in my role of Labour critic. As this is a timely matter, I would ask that you would reply to this letter by June 22, 2002. For your convenience, I have included a self-addressed, stamped envelope with which you can mail your reply or you may fax your response.

What we found out is long before the deadline we had gotten the responses back. So I do want to sort of cover some of the responses we got back. I think it is important to, on a global perspective, find out what the various organizations feel in regard to Bill 30. The Certified Technicians & Technologists Association e-mailed me. Guy Newman did: This letter is a response to your request for the CTTAM position on the proposed revisions to The Architects Act. We very much appreciate your asking us.

I am going to read the letter verbatim:

We have no objection to the proposed amendment. This amendment has no impact on the CTTAM as the changes are internal to the architects organization. However, the CTTAM

believes the fines proposed are excessive and do not serve the public interest as the association retains them. The CTTAM also believes that, as the act is open, it is appropriate to consider minor addition revisions, recommended following. The following exemption appears under Part 14—and I understand I am not allowed to get into it, but these are proposed changes, so it is not actually dealing with the act that is before the House—activities that are not affected: Nothing in this act applies to prevent a person who is certified under The Certified Applied Science Technologists Act in an engineering discipline engaging in an act that constitutes the occupation of applied science technology. The CTTAM requests this clause be added to The Architects Act as there is no recognition of the applied science technologists act and The Architects Act. Addition of this clause will correct the void.

The CTTAM will also request this clause be added to The Land Surveyors Act when the act opens. They want—the Architects Act may be incorrect.—I believe it is 6000 square metres, not 4000 square metres shown in the act.

The CTTAM also believes the definition of architect should be broader and include the following statements shown in bold. And this is what they would like to see: Architect means "any person who is engaged for hire, gain or hope of a reward in the planning, supervision for others of erection, enlargement or alteration of buildings by persons other than himself." That concerns the safeguarding of life, health, property, economic interest or the environment. That was sent by Guy Newman. He is executive director and registrar, Certified Technicians & Technologists Association of Manitoba. So those were his comments on the issue.

We also did receive a fax from the Professional Interior Designers Institute of Manitoba. That was sent by Brian R. M. Everton, and he is president of the association. I just want to put their comments on the record in regard to this particular bill, this particular legislation.

To the Progressive Conservative caucus Labour critic: On behalf of the Professional Interior Designers Institute of Manitoba, PIDIM,

I would like to thank you for providing us an opportunity to review and comment on Bill 30, The Architects Amendment Act. The documentation you have provided was brought forward at the last meeting of the executive council of the PIDIM and discussed. In response to your request for our opinion we do not find any of the proposed amendments at this point in time would directly affect the ability our members—I think he means of our members—to continue their current practice or that might directly affect the general public where it would appear to limit competition in the marketplace.

We would also like to take this opportunity to better acquaint you with our members and the practice of interior design in Manitoba. The PIDIM organization is the governance body for the self-regulation occupation defined under The Professional Interior Designers Act of Manitoba. The requirement of a minimum four-year internationally accredited university education and the completion of a post-graduate internationally recognized practice examination must be met in order to be a professional member of PIDIM.

The education and the body of knowledge unique to the practice of a professional interior designer differs from that of an architect. The unique practice of interior design is recognized under the North American Industry Classification System, or NAICS, that came into effect in Canada around 1997. This recognition was subsequently adopted by Statistics Canada and included in their documentation in the following definition, and they are quoting now the definition from Stats Canada.

Quote: This industry comprises establishments primarily engaged in planning, designing and administering projects in interior spaces to meet the physical and aesthetic needs of people, taking into consideration building codes, health and safety regulations, traffic patterns and floor planning, mechanical and electrical needs, and interior fittings and furniture. Interior designers and interior design consultants work in areas such as hospitality design, health care design, institutional design, commercial and corporate design and residential design. That is the definition that they lay out in the letter that is the definition of Statistics Canada.

Back to the letter: As well, the professional practice of interior design has been recognized by the Government of Canada as having a significant role to play in the design of the built environment. On that basis, in July 1997 Public Works and Government Services Canada ratified a memorandum of understanding which recognizes the interior design profession as providing expertise in the development of real property and the advancement of alternative project delivery methods. This agreement also recognizes the professional interior designer's role in improving the quality of lives of Canadians and of those in other countries.

* (16:40)

The experience and practice of professional interior design will often involve issues such as the decisions regarding flammability of furniture and fixtures and the flame-spread rating of interior finishes. These issues are not the regular or typical domain of the practising architect or engineer. Our expertise in design is evident in our knowledge and sensitivity relative to human function in relationship with the physical environment. Our professional body of knowledge is instrumental to the capacity and quality of the built environment for public and private sector facilities, including commercial, institutional and residential projects.

We appreciate the opportunity to offer you feedback and invite you to contact the PIDIM again, if we can be of further assistance in your role as a member of the Official Opposition in the Manitoba Legislature. Respectfully yours, Brian R.M. Everton, BID, PIDIM, IDC, President.

So I think basically what they have done is laid out very well for us some of the issues that they felt should be brought forward into the public debate.

I think it is very helpful for all of us. Mr. Deputy Speaker, I want to conclude by saying that we appreciate very much the efforts and the work of the architects and of the whole design community, whether it is the APEGM, the AMLS, the MALA, the PIDIM, the WCA, the ABTAM or the CTTAM,. The efforts that they put in to make our cities, not just better, they

make them safer; they make them better looking. As far as the Interior Decorators Association, I want to tell them that I am a great contributor to their profession.

We could probably do a little less with interior decorators in my home if any of the interior decorators are listening, but they do a great job—*[interjection]* I am sure they are all listening says my colleague next to me, and so am I. They do have a very important function in our society.

They really do contribute to the quality of life that we have in our city and in our province and in our nation, and we commend them for all that they have done, whether it is spatial organization outside on the streets, how it all looks. We want to see this bill go forward. We congratulate them on all their hard work, and we look forward to seeing them at committee, hopefully by Tuesday evening, and we would like to pass this on to committee.

An Honourable Member: Question.

Mr. Deputy Speaker: Is the House ready for the question? The question before the House is the second reading of Bill 30, The Architects Amendment Act; Loi modifiant la Loi sur les architectes.

Is it the pleasure of the House to adopt the motion? *[Agreed]*

* * *

Hon. Gord Mackintosh (Government House Leader): Two matters, Mr. Deputy Speaker. Is there leave of the House to recall Bill 29 this afternoon?

Mr. Deputy Speaker: Is there leave to recall Bill 29 this afternoon? *[Agreed]* Leave being given, Bill 29 is recalled.

Bill 29—The Engineering and Geoscientific Professions Amendment Act
(Continued)

Mr. Deputy Speaker: Bill 29, standing in the name of the honourable Member for Southdale (Mr. Reimer).

Mr. Jack Reimer (Southdale): Mr. Deputy Speaker, how much time do I have on this bill?

Mr. Deputy Speaker: The rule of the House is that the member shall have 40 minutes under the old rules.

Mr. Reimer: Forty minutes. I could get a lot on the record in 40 minutes, could I not, Mr. Deputy Speaker? With those wild instructions, information from you, I am prepared to move this bill into committee.

Mr. Speaker in the Chair

Mr. Speaker: Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is Bill 29, The Engineering and Geoscientific Professions Amendment Act.

Is it the will of the House to adopt the motion? *[Agreed]*

House Business

Hon. Gord Mackintosh (Government House Leader): I would like to announce that the Standing Committee on Industrial Relations will meet on Tuesday, July 2, at 6:30 p.m., to consider Bill 29 and Bill 30.

Mr. Speaker: It has been announced that the Standing Committee on Industrial Relations will meet on Tuesday, July 2, 2002, at 6:30 p.m. to consider Bill 29, The Engineering and Geoscientific Professions Amendment Act, and Bill 30, The Architects Amendment Act.

* * *

Mr. Mackintosh: Would you canvass the House to see if there is will to call it six o'clock?

Mr. Speaker: Is it the will of the House to call it six o'clock? *[Agreed]*

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, June 26, 2002

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