



Third Session - Thirty-Fifth Legislature
of the
Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS
(HANSARD)**

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MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Fifth Legislature

Members, Constituencies and Political Affiliation

NAME	CONSTITUENCY	PARTY
ALCOCK, Reg	Osborne	Liberal
ASHTON, Steve	Thompson	NDP
BARRETT, Becky	Wellington	NDP
CARSTAIRS, Sharon	River Heights	Liberal
CERILLI, Marianne	Radisson	NDP
CHEEMA, Gulzar	The Maples	Liberal
CHOMIAK, Dave	Kildonan	NDP
CONNERY, Edward	Portage la Prairie	PC
CUMMINGS, Glen, Hon.	St. Rose	PC
DACQUAY, Louise	Seine River	PC
DERKACH, Leonard, Hon.	Roblin-Russell	PC
DEWAR, Gregory	Selkirk	NDP
DOER, Gary	Concordia	NDP
DOWNEY, James, Hon.	Arthur-Virden	PC
DRIEDGER, Albert, Hon.	Steinbach	PC
DUCHARME, Gerry, Hon.	Riel	PC
EDWARDS, Paul	St. James	Liberal
ENNS, Harry, Hon.	Lakeside	PC
ERNST, Jim, Hon.	Charleswood	PC
EVANS, Cliff	Interlake	NDP
EVANS, Leonard S.	Brandon East	NDP
FILMON, Gary, Hon.	Tuxedo	PC
FINDLAY, Glen, Hon.	Springfield	PC
FRIESEN, Jean	Wolseley	NDP
GAUDRY, Neil	St. Boniface	Liberal
GILLESHAMMER, Harold, Hon.	Minnedosa	PC
HARPER, Elijah	Rupertsland	NDP
HELWER, Edward R.	Gimli	PC
HICKES, George	Point Douglas	NDP
LAMOUREUX, Kevin	Inkster	Liberal
LATHLIN, Oscar	The Pas	NDP
LAURENDEAU, Marcel	St. Norbert	PC
MALOWAY, Jim	Elmwood	NDP
MANNES, Clayton, Hon.	Morris	PC
MARTINDALE, Doug	Burrows	NDP
McALPINE, Gerry	Sturgeon Creek	PC
McCRAE, James, Hon.	Brandon West	PC
McINTOSH, Linda, Hon.	Assiniboia	PC
MITCHELSON, Bonnie, Hon.	River East	PC
NEUFELD, Harold	Rossmere	PC
ORCHARD, Donald, Hon.	Pembina	PC
PENNER, Jack	Emerson	PC
PLOHMAN, John	Dauphin	NDP
PRAZNIK, Darren, Hon.	Lac du Bonnet	PC
REID, Daryl	Transcona	NDP
REIMER, Jack	Niakwa	PC
RENDER, Shirley	St. Vital	PC
ROCAN, Denis, Hon.	Gladstone	PC
ROSE, Bob	Turtle Mountain	PC
SANTOS, Conrad	Broadway	NDP
STEFANSON, Eric, Hon.	Kirkfield Park	PC
STORIE, Jerry	Flin Flon	NDP
SVEINSON, Ben	La Verendrye	PC
VODREY, Rosemary, Hon.	Fort Garry	PC
WASYLYCIA-LEIS, Judy	St. Johns	NDP
WOWCHUK, Rosann	Swan River	NDP

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, April 8, 1992

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Mr. Daryl Reid (Transcona): Mr. Speaker, I beg to present the petition of Jim Silver, Deborah Smith, Tim Sale and others requesting the Minister of Justice (Mr. McCrae) call upon the Parliament of Canada to amend the Criminal Code to prevent the release of individuals where there is substantial likelihood of further family violence.

Ms. Marianne Cerlill (Radisson): Mr. Speaker, I beg to present the petition of Gwen Sveinson, Tracey Haarsma, Darcie Andres and others requesting the Minister of Justice (Mr. McCrae) call upon the Parliament of Canada to amend the Criminal Code to prevent the release of individuals where there is substantial likelihood of further family violence.

Mr. Oscar Lathlin (The Pas): Mr. Speaker, I beg to present the petition of Raymond E. Sinclair, Walter G. Murdock, Oliver T. Flett and others requesting the government consider funding the Abinochi preschool program to ensure it continues to operate.

READING AND RECEIVING PETITIONS

Mr. Speaker: I have reviewed the petition of the honourable member for The Pas (Mr. Lathlin). It complies with the privileges and practices of the House and complies with the rules (by leave). Is it the will of the House to have the petition read?

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

THAT the Aboriginal Justice Inquiry was launched in April of 1988 to conduct an examination of the relationship between the justice system and aboriginal people; and

The AJI delivered its report in August of 1991 and concluded that the justice system has been a massive failure for aboriginal people; and

The AJI report endorsed the inherent right of aboriginal self-government and the right of

aboriginal communities to establish an aboriginal justice system; and

The Canadian Bar Association, The Law Reform Commission of Canada, among many others, also recommend both aboriginal self-government and a separate and parallel justice system; and

On January 28, 1992, five months after releasing the report, the provincial government announced it was not prepared to proceed with the majority of the recommendations; and

Despite the All-Party Task Force Report which endorsed aboriginal self-government, the provincial government now rejects a separate and parallel justice system, an Aboriginal Justice Commission and many other key recommendations which are solely within provincial jurisdiction.

WHEREFORE your petitioners humbly pray that the Legislature of the Province of Manitoba may be pleased to request that the government of Manitoba show a strong commitment to aboriginal self-government by considering reversing its position on the AJI by supporting the recommendations within its jurisdiction and implementing a separate and parallel justice system.

* * *

* (1335)

I have reviewed the petition of the honourable member for Wolseley (Ms. Friesen). It complies with the privileges and practices of the House and complies with the rules. Is it the will of the House to have the petition read?

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

THAT the bail review provisions in the Criminal Code of Canada currently set out that accused offenders, including those suspected of conjugal or family violence, be released unless it can be proven that the individual is a danger to society at large or it is likely that the accused person will not reappear in court; and

The problem of conjugal and family violence is a matter of grave concern for all Canadians and

requires a multifaceted approach to ensure that those at risk, particularly women and children, be protected from further harm.

WHEREFORE your petitioners humbly pray that the Legislature of the Province of Manitoba may be pleased to request that the Minister of Justice (Mr. McCrae) call upon the Parliament of Canada to amend the Criminal Code of Canada to permit the courts to prevent the release of individuals where it is shown that there is a substantial likelihood of further conjugal or family violence being perpetrated.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, may I direct the attention of honourable members to the Speaker's Gallery, where we have with us this afternoon His Excellency Njuguna Mahugu, the high commissioner of Kenya to Canada. On behalf of all honourable members, I welcome you here this afternoon, Sir.

Also with us this afternoon, in the Speaker's Gallery, is Mr. Colin Maxwell, who is executive director of the Canadian Wildlife Federation. On behalf of all honourable members, I welcome you here this afternoon.

Seated with us this afternoon in the public gallery, from the Native Business Management Skills Program, we have 21 students. They are under the direction of Carolee Batycki. This school is located in the constituency of the honourable member for Wellington (Ms. Barrett). On behalf of all honourable members, I welcome you here this afternoon.

ORAL QUESTION PERIOD

Economic Growth Government Strategy

Mr. Gary Doer (Leader of the Opposition): Mr. Speaker, my question is to the Minister of Finance.

In November of 1990 and December of 1990 our Minister of Finance made glowing predictions through Hansard. His words are all the way through Hansard predicting the recession is going to end; the recovery is just around the corner; the recession is over, Mr. Speaker. Then, of course, came the spring of 1991, and we had the same glowing predictions from our Minister of Finance. Happy days are here again; the recession is over; the recovery will take place; Manitoba will lead the

Canadian recovery; Manitoba will lead the way out of the recession and into recovery.

Again, in this last budget of 1992, we have the same familiar words from our Minister of Finance (Mr. Manness), whistling past the economic graveyard, slowly but surely: a renewed sense of optimism is building in Manitoba and across Canada. Well, Mr. Speaker, today we have the first verdict on the government's budget. The Toronto Dominion Bank has now dealt with the growth rate of Manitoba and has downgraded their predictions for the growth rate of Manitoba from 2.4 percent to 1.7 percent for 1992, a decrease in growth of over 25 percent.

My question to the Minister of Finance is: What hope can he give the thousands of Manitobans that are unemployed and the growing thousands of people who are on social assistance in the province of Manitoba with these latest predictions?

Hon. Clayton Manness (Minister of Finance): Well, Mr. Speaker, I feel badly that the member has resorted once again to selectively quote information. My budget, in the appendices of course, forecast growth in the province beyond 2 percent. That was on the basis of an average of all the forecasters. I am led to believe that there is some downgrading taking place across Canada by all the private forecasters. Manitoba is a part of Canada. We are not immune from those general downtrending with respect to the private forecast.

I would hope within the course of the next three or four weeks that I will have a revised number of the average of all the private forecasting that I can share with the member. TD is the first. I can indicate that there are significant changes going to come from the Conference Board in their estimates and forecasts, particularly as it deals with some of the Atlantic provinces.

So I do not expect that Manitoba will be immune from that, and when we have those numbers compiled on average, I will share them with the members.

* (1340)

Mr. Doer: Mr. Speaker, hopefully, the other forecasts will be more favourable to the province.

The Minister of Finance is correct that the predictions are now being made not only for Manitoba, but also for Canada, predictions for Canada after the federal Conservative budget was produced in the country, a budget that was hailed

by members opposite as a great Conservative budget for the people of this country. We hailed it as another recessionary budget and depression budget for the people of this country.

My question to the Minister of Finance is again the same question. You told us two years ago that the recovery was around the corner. You told us last year that we were going to lead the way out of the recession in Manitoba. You told us two months ago that we were going to lead the way out of the recovery. We now see that we are being downgraded even more than Canada in the province of Manitoba.

What hope does this government have and what strategies does it have, except for being wrong on their predictions, what strategy do they have to get Manitobans working again and to get people off social assistance that are employable?

Mr. Manness: Mr. Speaker, one thing when you make a prediction, it is almost 100 percent sure you are going to be wrong. You are either going to miss it too high, or you are going too low. I mean that is the nature of forecasting—[interjection] You would be 100 percent that way too. Yes, everybody is.

To answer the question, we have been watching very carefully as other provinces have brought down budgets across Canada. We are very mindful of the fact that those provinces in Atlantic Canada have certainly followed along with what we have done here in Manitoba. They have reduced taxes to the extent that they could. They have tried to hold back expenditure growth. They have tried to minimize their levels of deficits.

I would say the only provinces in Canada that seem to be increasing taxes are B.C. to this point in time, and I forget the other one that is also contemplating. Saskatchewan certainly is contemplating increasing taxes and also Ontario in a significant way.

I say to the member that obviously we have a different philosophy here. He wants this province to continue to borrow hundreds of millions of dollars in support of increased deficit. He wants us to continue to defer taxes, but taxes nevertheless, Mr. Speaker. Right today one of the greatest handicaps to businesses who are creating jobs are the tax levels of this provinces vis-a-vis jurisdictions to the south.

I would say to him, I would think that he would want us to do everything within our power to hold

back government spending so that we could reduce even further the tax load, so that indeed people and entrepreneurs could come forward, create jobs and create the economic well-being that he wishes and indeed the government of Manitoba wishes. That is the only way.

Mr. Doer: Mr. Speaker, I would suggest the Minister of Finance read the Provincial Auditor's report on year-end statements for the last four years. He will find we have gone from a \$55-million operating surplus in the financial affairs of the province to a \$530-million deficit, so he should not lecture members opposite on the financial situation of this province. He should stop that kind of charade in this province.

I would note that the province of British Columbia is predicted to have a 2.5 percent growth rate; Ontario is predicted to have 3 percent growth rate. That means that there is going to be jobs created in those provinces, but more importantly, questions to the Minister of Finance.

We have a major downgrading of our growth predictions for 1992. That has major implications on the unemployment rates of this province. It has major implications on the number of people on social assistance, a number that has necessitated a \$90-million increase in expenditures in two budgets for the many people who are employable on social assistance. It will provide reduced revenue to the government, reduced opportunity for our people, reduced opportunities for our people who are requiring services.

My question to the minister is: Is he just going to talk about right and wrong predictions, or is he going to come in with a strategy to get Manitobans working again and getting people off the vicious cycle of social assistance for employable people?

* (1345)

Mr. Manness: Mr. Speaker, I am not the one talking about forecasts. It was the Leader of the Opposition who brought forward the forecast issue, very selectively, I might add.

I would say to him, if he wants to look at the ranking, he will see that Manitoba is still relatively well positioned in the ranking, when you take into the account all of the private forecasts. I say to the member, there are two choices here. We can still follow the old NDP way of borrowing hundreds of millions of dollars, adding to the deficit, adding to ultimately the tax levy that has to be imposed upon

individuals and on businesses in this country, destroying the desire and indeed the ability to try and create wealth, driving people out of this province, driving them to the welfare rolls. The members opposite know the impact of their \$500-million and \$600-million deficits through the '80s. They know that they have had more to do with the ill and the impact on taxes in this province than any other force. I say to the members they are going to ultimately have to tell Manitobans which path they would follow.

Mr. Speaker, I gather in their silence what they want is the government to borrow hundreds of millions of more dollars to add to the deficit increasing taxes along the line.

Health Care System Anesthetist Review

Ms. Judy Wasylycia-Lels (St. Johns): We seem to be going from crisis to crisis in our health care system under this government. Today we have learned that the situation facing the anesthetists in this province of Manitoba is explosive. Two years ago this government promised to begin to deal with this situation facing anesthetists by studying the matter.

A year ago they found themselves unhappy with that study and brought in outside consultants to study the matter. That study was done about 10 months ago. It was released on March 30 to CEOs and heads of departments in our urban hospitals, and then those hospitals were given 36 hours to roll back the sessional rates in the hospitals of Brandon, Grace, Misericordia and Victoria, and the hospitals of Seven Oaks and Concordia were given short notice that their contract, their special contract arrangements would end.

I want to ask the minister if he will put these arbitrary, high-handed decisions on hold until the community hospitals, until the professionals, until the anesthetists have had a chance to respond to the report, provide some input and give some advice to this government.

Hon. Donald Orchard (Minister of Health): Mr. Speaker, my honourable friend, in the initial stages of her preamble, I believe, was critical of the time in which it took us to come to some recommended solution to the difficult problem we have with the recruitment retention and rates of remuneration for anesthesiologists in the province of Manitoba.

I distinctly recall her being critical of it taking two years. Now when we have a report which has been a substantial amount of time in its development, with wide discussion and consultation involvement of expertise, and we take action on that, my honourable friend says you are acting too quickly and you should study it some more.

Mr. Speaker, the issue is very, very complex, and it has been two years in the making to come to those kinds of hopeful solutions that will work. Unless my honourable friend has a suggestion on how better to resolve the problem, which I did not detect in that rather lengthy preamble, I am afraid I have to abide by the best advice we could obtain in almost two years of discussion, study and consultation around the issue.

Ms. Wasylycia-Lels: Mr. Speaker, my question to the minister was: Why, after spending two years studying this matter, did this minister and this government then give our urban hospitals 36 hours to respond to two serious situations, one, the rollback in obstetrical anesthesia sessional rates at Brandon, Misericordia, Victoria and Grace, 36 hours to Concordia to deal with the end of a special contract arrangement? How could he have done it that way? Could he not be decent—

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

Mr. Orchard: Mr. Speaker, all of those institutions were part of the consultation process to understand the dynamics of the problem and to help create a solution. I will admit that any solution offered by government around the sensitive area of compensation to physicians is never received with applause unless you pour more money at it.

What we tried to do was arrive at the most reasoned solution possible, bringing together expert advice and consultation, work with the professionals, work with the facilities to come to a solution, which we asked the hospitals, yes, to implement very quickly, because we were under pressure from those same hospitals to come to a decision of government that they could implement.

Mr. Speaker, unless my honourable friend has some solution, other than the one that was proposed, that is better and will solve the problem quicker, other than the traditional response of pour more money at the system, I suggest my honourable friend ought to read the report, consult carefully with the issue to make sure that she understands that we

have probably arrived at the most reasoned solution to a difficult problem.

* (1350)

Ms. Wasylycia-Lels: It is a very serious situation—

Mr. Speaker: Order, please. The honourable member kindly put your question, please.

Ms. Wasylycia-Lels: I want to ask the Minister of Health, what impact will this kind of policy of confrontation of this government have on patient care, have on needed surgery, have on services that people of Manitoba are relying on? What kind of impact will this style of conflict and confrontation of the minister have on patient care?

Mr. Orchard: Mr. Speaker, I would hope that the professionals who provide anesthesiology service will work with government as this solution hopefully resolves a number of outstanding issues.

Secondly, I would hope that within the distribution mechanism that the MMA, as the union bargaining on behalf of all physicians, that distribution mechanism as we have tried to achieve for approximately three years with the MMA, would recognize a greater share of the pie to go to anesthesiologists who are relatively underpaid in the Manitoba context because of the distribution by their union representation organization, the MMA, and that some of the wealth, the \$300 million that we put to the MMA for their membership might be redistributed to assist in solving the problem.

Simply coming to government saying the solution we have arrived at is wrong, without a better one, is hardly appropriate in today's context, Mr. Speaker.

Misericordia Hospital Emergency Ward Closure

Mr. Gulzar Cheema (The Maples): Mr. Speaker, my question is for the Minister of Health.

On January 15 of this year, the Minister of Health issued a news release about the Urban Hospital Council, which he established in 1991. The minister's release said that the Urban Hospital Council had approved the recommendation to close the emergency ward of Misericordia Hospital from 10 p.m. to 8 a.m. However, this recommendation was directly contradicted by his own group, and I will table the minutes of that meeting that took place on February 6. The decision was made on the 15th, that is what he said.

Mr. Speaker, the working group said that it was opposed to the closing of the Misericordia emergency ward, and it said that many of the recommendations, and I quote, had been made with inadequate statistics.

Can the Minister of Health tell us—according to this group, his own group, the decision is not medically sound, it is not financially sound—why he is proceeding with this recommendation?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, when I held the press conference with the Urban Hospital Council in January, some of the examples of issues—well, all of the issues being studied were laid out. One of the issues that was laid out was the closure of emergency departments from, I think, it is 10 p.m. to 8 a.m. Even one hospital was suggested to undertake that.

That recommendation has come in and is before the Urban Hospital Council. Now the normal process—and I simply indicate to my honourable friend that this is one of the decisions that I hope the Urban Hospital Council will advance as a recommendation, one way or another, in the very near future, but the process is not complete. I have not been asked by the Urban Hospital Council to accept or to make any decision on closure and operation of emergency departments in the city of Winnipeg from the Urban Hospital Council, Mr. Speaker. Now, when that recommendation comes to me, I will deal with it expeditiously.

* (1355)

Mr. Cheema: Mr. Speaker, we have said many times that we will help the minister on health care reform, and this decision by his own group is not medically sound and not financially sound.

Can the minister tell this House today, according to his own judgment, does he still favour this decision or not?

Mr. Orchard: Mr. Speaker, with all due respect to my honourable friend, that is exactly the kind of process that we put those recommended courses of actions through at the Urban Hospital Council. They are circulated back to the respective hospitals.

The feedback on the feasibility of any recommended course of action is given to the Urban Hospital Council. If in their expert opinion it will work, I would suspect they will pass that recommendation on for implementation, for consideration of implementation to myself. Government ultimately will make that decision.

Now if as my honourable friend says, the experts in the system question the medical effectiveness of that decision or its cost, then I would think the Urban Hospital Council would be very cautious in making that kind of a recommendation to government as government would be in accepting it, Mr. Speaker.

Mr. Cheema: Mr. Speaker, can the minister make a promise in this House that in future such a major decision must be released in this House by the minister, not by us?

Mr. Orchard: I hate to use farmer vernacular, but my honourable friend has the cart before the horse, because I do not know how many times I have to tell my honourable friend that the Urban Hospital Council has not recommended a decision on emergency ward or emergency department hours of operation—period and paragraph.

One of the recommendations from the study group was to consider closing. That has been through that consultation process that was just urged upon me by the first opposition party. Mr. Speaker, the essence of that consultation will guide the Urban Hospital Council to a recommendation to be made to me, I hope, in the near future. When that is given to me, I will gladly, as I indicated in Estimates yesterday and the day before, share it with my honourable friend.

Dutch Elm Disease Program Provincial Funding

Ms. Jean Friesen (Wolseley): My question is for the Minister of Natural Resources.

The City of Winnipeg program for Dutch elm disease control aims to limit the annual loss rate of elms to less than 2 percent of the total. It is a sensible policy, and I believe it is one that the minister shares. Together the city and the province have had some success in this. In 1989, provincial funding of \$700,000 enabled the loss rate to be maintained at 1.906. In 1990, with the same level of funding, the loss rate was also 1.9.

My question for the minister is: What evidence leads the minister to believe that his reduction of 50 percent of the funding for this program will enable us to maintain those tolerable loss rates?

* (1400)

Hon. Harry Enns (Minister of Natural Resources): Mr. Speaker, first of all, let me commend the honourable member because she does understand the problem and she asks the

appropriate question. We cannot do anything other than restrict and hopefully delay the onslaught of the disease. Best professional evidence says that if we can keep the diseased and dying trees to below the 2 percent level, then we in Winnipeg—and I might say we have done in this instance a much better job than many other jurisdictions across the North American continent in controlling this disease—are doing the right thing.

It is precisely the question that she asks that I am fully prepared to examine. I am fully prepared to review the current level of support for the Dutch elm disease program, and if my professional advisers, forestry advisers in the City of Winnipeg or indeed in the Department of Forestry in my department, tell me that I am putting at risk of exceeding that 2 percent level, then as I have said before, I believe, in this House, I am prepared to revisit the level of funding currently established in the budget exercise.

Ms. Friesen: Mr. Speaker, I thank the minister for that.

I would like the minister to acknowledge that part of the program's success is due to the fact that the City of Winnipeg has substantially increased its funding and that whereas the \$700,000 provincial grant of 1989 was 48 percent of the total required, but in 1990 that 700,000 was only 35 percent of what was necessary to maintain this tolerable loss rate of less than 2 percent.

Mr. Enns: Well, Mr. Speaker, the honourable member makes it difficult for me to respond, because far be it for me to take on prominent urban Tories on this question of fighting Dutch elm disease, not to mention the wife of a former Leader of mine, now a senator, or indeed others who have expressed concern about this. But I want to assure the honourable member that us little farm folks, woodlands ranchers have perhaps even a deeper and greater understanding of this problem.

That is why we are fighting Dutch elm disease in 41 rural municipalities and are adding to that another five municipalities while I stand, Mr. Speaker, which is something that honourable members opposite sometimes in their urban flavour forget that that Dutch elm disease does not know borders, is not just contained to the city of Winnipeg.

It is an important issue in the city of Winnipeg. It is an important issue in 45 rural municipalities as well, Mr. Speaker. We too have increased our budget in the overall fighting of this disease.

Ms. Friesen: Will the minister then make the commitment to review that program to increase the funding so that the 5,000 dead elms which are the real danger to the riverbanks and to the rural municipalities, can be treated, removed—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order, please.

Ms. Friesen: Thank you, Mr. Speaker. I want to ask the minister to make the commitment to restore the funding so that the dead elms that are along the riverbanks can be removed in ways that they could not be removed last year because of inadequate funding, and so that the municipalities and the city along the rivers, the Assiniboine and the Red, can be assured that there will be some protection against Dutch elm disease spread.

Mr. Enns: Mr. Speaker, my colleague the Minister of Urban Affairs (Mr. Ernst) reminds me, and correctly so, that this government increased the overall funding to the City of Winnipeg by some 4.2 percent.

It is entirely within the purview of the City of Winnipeg if they wish to use some of that increase in a manner that they wish to prioritize. But because I am a reasonable man, I am going to do something that my 26 years in politics should tell me not to do. Instead of simply answering the honourable member with the well-proven response of "soon," I will say she will have an answer in 10 days.

Chinese Cooking Wine Sale Restrictions

Mr. George Hickes (Point Douglas): My question is to the Minister responsible for the Liquor Control Commission.

Today we have learned that another Manitoban is believed to have died as a result of consumption of Chinese cooking wine. Community groups have repeatedly called on the government to respond to the growing problem of abuse of this product by restricting its sales in a manner that would prevent misuse.

Will the Minister responsible for the Liquor Control Commission inform the House what action her department will be taking to address this issue?

Hon. Linda McIntosh (Minister charged with the administration of The Liquor Control Act): Mr. Speaker, I thank the member for Point Douglas for his question and his concern in this issue. We have

a committee going. It is a nonpotable abuse coalition committee. It has members on it from the Main Street Project, from the substance abuse coalition, from the Manitoba Pharmaceutical Association, Point Douglas Residents' Committee, and the Winnipeg Police vice squad amongst others, who are currently examining this very question to determine whether or not substances such as the Chinese cooking wine which has traditionally been considered nonpotable because of its high salt content, is in fact potable, and if it is, what should be done about it.

Those products are currently being tested by laboratories; results should be coming back from those labs before too long. The committee will deliberate on those results to see what action we could or should take.

Mr. Hickes: My question is to the same minister.

Since 1989, Alberta has changed their legislation to classify Chinese cooking wine as liquor to control its sale. Why has this minister not responded previously to this same precedent that has been set?

Mrs. McIntosh: Mr. Speaker, in various jurisdictions across Canada, there are differing definitions for what is controlled by various liquor commissions and those in charge of beverages containing alcohol. You will see different laws in jurisdictions for rubbing alcohol, for example, and stomach bitters and those types of articles. Here in Manitoba the definition of the alcohol that is controlled by the Liquor Control Commission has always been potable spirits. The Alberta legislation has a differing definition.

If as a result of our study we determine that this should be considered something that should come under the Liquor Control Commission or under the Department of Health or some other area of government, then some definitions may have to be changed in the act.

Solvent Abuse Legislation Proclamation

Mr. George Hickes (Point Douglas): My final question is to the Minister of Health.

Will he now, given the apparent death of yet another person due to nonalcoholic beverage abuse, and also given this government's statements of commitment to stopping such abuse, finally proclaim the antisolvent abuse legislation

introduced by the member for St. Johns (Ms. Wasylcia-Leis)? It has been well over two years ago in which it could give police and community groups a tool to help fight this problem before we have more deaths in Manitoba.

Hon. Donald Orchard (Minister of Health): Mr. Speaker, I think my honourable friend the Minister responsible for the Manitoba Liquor Control Commission addressed the issue in how a course of action might be undertaken, which I think will effectively deal with the sale of such products and that, Sir, should be accomplishable within existing statute.

Women's Directorate Assistant Deputy Minister Competition

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, my question is for the Minister responsible for the Status of Women.

The minister made a commitment last summer to an open competition for the appointment of the Assistant Deputy Minister for the Women's Directorate. That never took place because this minister cancelled the competition.

The reason why it was cancelled is because she says that there were no qualified candidates; and that is her opinion, not my opinion.

My question is to the minister. Why is the minister trying to leave the false impression that the competition was cancelled by the Civil Service when, in fact, it was cancelled from the Minister responsible for the Status of Women?

Hon. Bonnie Mitchelson (Minister responsible for the Status of Women): Mr. Speaker, I have never tried to leave any false impressions on the record. As a matter of fact, I am satisfied that I followed proper procedures in consultation with the Civil Service Commission and, in fact, the competition was cancelled by my office and I have never indicated otherwise.

It is government's prerogative to make technical appointments in instances of senior Civil Service positions. I followed that process and I believe I followed the proper process.

* (1410)

Mr. Lamoureux: It is beyond me how this minister can dare to blame the Civil Service. How can she possibly do it given, Mr. Speaker, and I quote—

Mr. Speaker: Order, please.

Mr. Lamoureux: Mr. Speaker, my question is: How can she blame the Civil Service in a letter in which, and I quote, I also wish to advise that the decision has been made to cancel the competition as the government has chosen to make an appointment through an alternative method? That means the minister—

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

Mrs. Mitchelson: That is exactly what I said in my first answer.

Mr. Lamoureux: Mr. Speaker, to the minister responsible for the Civil Service. I make reference to the—

Mr. Speaker: Order, please. Would the honourable member for Inkster kindly put your question now, please.

Mr. Lamoureux: Mr. Speaker, in reference to the Hay Report my question to the minister is: How does the minister justify what the Minister responsible for the Status of Women has done given, and I quote from the report, the control that ministers appear to have over who gets approval—

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

Mrs. Mitchelson: The ranting and raving that we hear from the member for Inkster only indicates that he has no understanding of government because he has never been in government and never will be, Mr. Speaker. I think the issue here is that the women of Manitoba deserve to be well served by the Women's Directorate, and I have every confidence that Theresa Harvey, who has been appointed by this government into a technical position in the Women's Directorate, not unlike what the NDP government did when they took the member for St. Johns out of the Premier's office and put her in the Women's Directorate without a competition. It was a technical appointment, and that was their prerogative at the time, just as it was our prerogative this time.

I have four letters from people within the community and within government who have highly recommended Theresa Harvey as the right person for the job.

Human Resources Opportunity Centre Closure

Mr. Gregory Dewar (Selkirk): Mr. Speaker, my question is to the Minister of Family Services.

I have a letter here from the mayor of Selkirk addressed to the Minister of Family Services, and I will quote: I urge you on behalf of the people of Selkirk who will lose the most to reconsider the closure of the Selkirk Human Resource Opportunity Centre.

I also have a letter from the Selkirk local and the Manitoba Metis Federation again condemning the closure.

Considering the mounting opposition to the closure, will the minister now stop the planned closure of the centre?

Hon. Harold Gillehammer (Minister of Family Services): Mr. Speaker, day after day, we have opposition members asking us to spend more money in a variety of areas and certainly Family Services is one of the areas where this government has made a priority.

We have increased the spending in Family Services almost 9 percent this year. That compares very favourably with a budget that was brought forward by—a pretend budget mind you—members opposite. I forget the name of the people who were referenced in a petition earlier, but in their wildest dreams they were going to increase spending in Family Services by 5 percent.

We have had to make some difficult decisions to be able to create new programming, to create a new program in social allowances for the disabled, to make additional expenditures in daycare, to make additional expenditures in child welfare, and do some very creative and innovative things.

We have legislation before the House now that we will be talking about later this afternoon, and I am sure members opposite will want to support that.

Mr. Dewar: This government is bragging about the amount of individuals on welfare. It is terrible.

Will the minister delay the dismantling of the centre until he has a chance to meet with groups who are working on alternatives to the closure?

Mr. Gillehammer: Mr. Speaker, as I was just starting to indicate, we have a lot of additional programming that Family Services is embarking on this year including the maintenance of the CareerStart Program that the member for Brandon East (Mr. Leonard Evans) frequently asks about, the creation of the Partners with Youth program that we will be unveiling some details about in the near future.

There are times when difficult decisions and certain adjustments have to be made to allow us to create new programming and to add to the expenditures in this department. The adjustment that the member is referring to was one of those difficult decisions.

Mr. Dewar: The minister refuses to answer the questions. One of the reasons these individuals are in the training plant is, of course, because they have little money.

My question to the minister is: What is he going to do to provide these individuals who will now be forced to travel from Selkirk to Gimli, from Selkirk to Winnipeg, what is he going to provide to them?

Mr. Gillehammer: Mr. Speaker, perhaps the member should have been at Estimates the other day. We were discussing the Estimates of the Department of Family Services, and the critic for the NDP and the acting critic for the Liberals were asking some questions on this area, and we talked about programming that we have for individuals who are on social allowances. I can say to the member that there are new initiatives being taken to attempt to get recipients of social allowances into the work force. The members who are currently taking that program will continue to take it and later on be served in other areas.

Mr. Speaker: Time for Oral Questions has expired.

Order, please. Prior to Orders of the Day, I would like to tell the House that if debate on the Address for Papers in private members' hour is concluded before 6 p.m., I will be bringing down my ruling respecting private members' Resolution 4.

Nonpolitical Statements

Hon. Bonnie Mitchelson (Minister responsible for Multiculturalism): Mr. Speaker, might I have leave to make a nonpolitical statement?

Mr. Speaker: Does the honourable minister have leave?

Some Honourable Members: Leave.

Mr. Speaker: Leave. It is agreed.

Mrs. Mitchelson: Mr. Speaker, it is my pleasure to recognize an honour being given to two distinguished Manitobans. This afternoon in Ottawa, Mr. Osmond T. Anderson and Mr. Gordon T. MacDonell will be among 25 Canadians being awarded citations for citizenship by the federal

Multiculturalism and Citizenship Minister, the Honourable Gerry Weiner.

Recipients are eligible for this honour only once in a lifetime and are recommended to the minister by an advisory panel. Recipients are chosen from across the country on the basis of activities which promote the values of Canadian citizenship and encourage citizenship participation. The activities of Mr. MacDonell and Mr. Anderson have underscored the shared values and beliefs of freedom, justice, equality and respect for diversity that characterize Canadian citizenship.

* (1420)

Their generosity and initiative have made a unique contribution to Manitoba. Mr. MacDonell himself, Manitoban born, has served Manitoba and Manitobans in the educational field over the past 60 years. His dedication reflects his strong personal belief in the value of learning. His wisdom, enthusiasm, dedication and strong sense of community, has earned him the respect of his peers and all who know him. It has been a career of notable accomplishment and honours earned.

I am also pleased to point out that Mr. MacDonell is the founding member of the Citizenship Council of Manitoba, a strong reflection of his commitment to making this community and this country a better place for all.

Mr. Anderson or O.T., as he is called by all who know him, is equally deserving of this recognition for his efforts to improve our community. O.T. immigrated to Canada in 1959 from Jamaica. Upon completing his studies at the University of Manitoba, Mr. Anderson began with the Winnipeg School Division. During this time, O.T. began a lifetime commitment to the advancement of multiculturalism in Manitoba.

He was instrumental in the creation and establishment of the multicultural policies within our educational system. His dedication to the multicultural ideal is illustrated by his work in ethnocultural promotion. O.T. has served as president of the Jamaican Association of Manitoba and has played a strong role in the development and success of the Folk Arts Council of Winnipeg. Mr. Anderson's tireless efforts have been twice recognized, in 1987 and in 1990, with the City of Winnipeg's Award for Outstanding Citizenship, Leadership and Community Service.

As the current chairperson of the Manitoba Multicultural Resource Centre, it is evident O.T.'s dedication and energies have not diminished. Mr. MacDonell and Mr. Anderson have both served Manitoba in an exemplary manner, and I ask the members of this House to join me in acknowledging and expressing our appreciation for their many years of contributing to the betterment of Manitoba community. Thank you.

Ms. Marianne Cerlill (Radlsson): May I have leave to make a nonpolitical statement?

Mr. Speaker: Does the honourable member for Radlsson have leave to make a nonpolitical statement? Leave. It is agreed.

Ms. Cerlill: I would just like to join with the Minister responsible for Multiculturalism (Mrs. Mitchelson) in recognizing the award being given to Mr. Anderson and Mr. MacDonell. Both of these individuals have contributed an incredible amount of time to issues of citizenship and multiculturalism in combating racism in Manitoba. They certainly are deserving of this award and exemplify the kind of commitment that so many people in the multicultural committees and organizations throughout the province have, and it is important that they are recognized in this way. Thank you.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I would ask for leave to make a nonpolitical statement.

Mr. Speaker: Does the honourable member for Inkster have leave to make a nonpolitical statement? Leave. It is agreed.

Mr. Lamoureux: Mr. Speaker, I too wanted to stand up and echo some of the remarks that were made from the minister to both Mr. MacDonell and Mr. Anderson. In particular, as many people who know Mr. Anderson, Mr. Anderson likes to be addressed as O.T., whom I have come to know over the last number of years as an individual who is just a fantastic person to sit down and to talk to about multiculturalism.

One of the things that I have always suggested, Mr. Speaker, is as a critic for Culture, Heritage and Citizenship, and concentrating on multiculturalism, it is always a benefit to be able to go out and meet with many different individuals, leaders of the different ethnic communities. O.T. is one of those individuals who is so knowledgeable about multiculturalism that he would amaze a great number of individuals in this Chamber and could

keep us glued to our seats and give unlimited time to talk about the importance of multiculturalism, what multiculturalism is really all about.

I have had the opportunity on several occasions to sit down and to hear his words and wisdom regarding multiculturalism and how he feels about the multicultural Canada or the mosaic and what it is all about. I know that he has been very active, not only within his own community, the Jamaican community, but also, as the minister pointed out, with the folk arts. He has been really the leader over at the Multicultural Resource Centre. I have had opportunities to meet with different individuals who have had some interaction with O.T., and the reaction has always been one of a positive thing. So I do want to put those few words on the record and again give my congratulations to both candidates, in fact, Mr. Speaker. Thank you, very much.

ORDERS OF THE DAY

Hon. Clayton Manness (Government House Leader): Mr. Speaker, would you call the bills in the following order: Second Readings, Bills 61, 62, 64 and 70, and then adjourned debate Bill 45? That is it. If we will duly finish Bill 45, I will call additional bills after that.

Mr. Speaker: Okay, thank you.

SECOND READINGS

Bill 61—The Consumer Protection Amendment Act (4)

Hon. Linda McIntosh (Minister of Consumer and Corporate Affairs): I move, seconded by the Minister of Education (Mrs. Vodrey), that Bill 61, The Consumer Protection Amendment Act (4); Loi no 4 modifiant la Loi sur la protection du consommateur, be now read a second time and be referred to a committee of this House.

Motion presented.

Mrs. McIntosh: Mr. Speaker, just a few words on this particular amendment. The basic intent here is just simply to clarify, for those who will be working the act, the thrust that we now take in government in terms of consumer protection. The purpose is to clarify the information exchanging provisions of the act to allow the Consumers' Bureau to communicate information within the Manitoba government. When the act was drafted, and the way it is worded right

now, the clause covering the section with sharing of information enables the Consumer's Bureau to exchange information with governments of other provinces but not with other departments of the Manitoba government.

This is a housekeeping amendment that clarifies the intent and will rectify the situation by enabling the Consumers' Bureau with good conscience to communicate information within the Manitoba government.

Considering that consumers experiencing the same problem often approach more than one government department or law enforcement agency, it is essential that departments and agencies exchange information in order to co-ordinate enforcement activities and to apply the most appropriate law to any particular situation. This amendment, Bill 61, will enhance the role of the Consumers' Bureau in ensuring the fostering of an efficient, effective marketplace by allowing the Consumers' Bureau to exchange information within the Manitoba government as well as with other jurisdictions.

I recommend Bill 61, Mr. Speaker, The Consumer Protection Amendment Act (4) to the honourable members of this Legislature and look forward to their support and debate on the issue.

Ms. Becky Barrett (Wellington): I move, seconded by the member for Brandon East (Mr. Leonard Evans), that debate be adjourned.

Motion agreed to.

Bill 62—The Business Practices Amendment Act (2)

Hon. Linda McIntosh (Minister of Consumer and Corporate Affairs): I move, seconded by the Minister of Education (Mrs. Vodrey), that Bill 62, The Business Practices Amendment Act (2); Loi no 2 modifiant la Loi sur les pratiques commerciales, be now read a second time and be referred to a committee of this House.

Motion presented.

Mrs. McIntosh: Mr. Speaker, this amendment will enable the exchange of information with municipal police forces such as the Winnipeg Police. It was the intent of the act when it was put in place to have communication with law enforcement officials available. Of course, as we have begun to work with the act and as we go and work with law

enforcement officials in various parts of the province, as we are doing increasingly, we have had a number of issues.

* (1430)

The home renovation scams that were out there in the marketplace that we are currently investigating in co-operation with the RCMP and the City of Winnipeg Police necessitate increased involvement with law enforcement officials. The current wording of the act did not permit us to communicate and share information with municipal police forces such as the Winnipeg Police force. Since many complaints are of such a nature that they require a full-scale investigation that takes us into a policing jurisdiction, it was felt that allowing the exchange of information with municipal police forces needed to be written in.

The provision in the act right now enables the Consumers' Bureau to exchange information with government agencies and with the RCMP only. While we do need the provision to communicate and exchange information with the RCMP, we also need to share information with municipal police forces, and so we wish to add that particular statement. It is essentially an amendment of a housekeeping nature which broadens the intent and makes it clear that we have the ability to communicate with law enforcement officials at any level, if it is necessary to help with an investigation that might bring a perpetrator to justice.

There is another small addition in this amendment, Mr. Speaker. Since many of the complaints that we get involve inadvertences and misunderstandings as opposed to deliberate breaches of the law, this other amendment would allow the bureau to retain the option of resolving a complaint through mediation by amending subsection 13(c), making it consistent with the discretion presently provided in subsection 14(1).

The present wording could be viewed as requiring or demanding a full investigation of a complaint even though the problem could be satisfactorily resolved through mediation. That is an important wording change to have. It is simply changing a "shall" to "may" in order to avoid frivolous complaints having to be investigated in detail as a full-scale investigation. It also enables us to mediate when an investigation is not necessary.

I will give you one example of a situation we had recently—a consumer who complained to the

bureau that she had purchased a video cartridge which the retailer had sold as being new. Indeed, it was in new packaging, but when she used the cartridge the consumer discovered the cartridge had in fact been used. Through mediation, the bureau was able to discover that the store did not in fact sell used cartridges, and had no idea how the used one had entered their stock. The store immediately provided the consumer with a full refund of the purchase price, plus their assurance that they would investigate the problem and ensure that it did not occur again. Then they took their own complaints to the place from where they had obtained the tape.

This is a case where clearly an investigation that would be necessary under the present wording would have served no useful purpose, would have tied up time and talent when mediation was the answer.

We try to solve as many problems as we can through mediation. The Consumers' Bureau, of the complaints it receives every year, solves 80 percent of them through mediation, and returns to the consumers of Manitoba about half a million dollars on an annual basis through the successful resolution of disputes.

On the one hand, we are asking for the ability to work more closely with policing officials, and where that is not necessary, we are asking for some flexibility to be able to mediate without having to resort to those full-scale investigations.

Regarding the provision of information, the last portion of the amendment provides the necessary discretion to the director to determine the appropriate information to be provided to consumers and suppliers as circumstances warrant.

Mr. Speaker, I believe, that these changes will allow the Consumers' Bureau to be more efficient and more effective in allocating their efforts on those matters for which the act is intended, and that these amendments support the intent of the legislation and make it eminently more workable.

Mr. Leonard Evans (Brandon East): Mr. Speaker, I move, seconded by the member for Wellington (Ms. Barrett), that debate be adjourned.

Motion agreed to.

Bill 64—The Child and Family Services Amendment Act

Hon. Harold Gilleshammer (Minister of Family Services): Mr. Speaker, I move, seconded by the Minister of Consumer and Corporate Affairs (Mrs. McIntosh), that Bill 64, The Child and Family Services Amendment Act (Loi modifiant la Loi sur les services à l'enfant et à la famille), be now read a second time and referred to a committee of this House.

Motion presented.

Mr. Gilleshammer: Mr. Speaker, today I have the pleasure of speaking in support of Bill 64, The Child and Family Services Amendment Act.

This amendment will result in the establishment of a Children's Advocate office in Manitoba. The establishment of this office will ensure that children receiving services from Manitoba's Child and Family Services system are protected and well treated and their rights, interests and preferences are respected when decisions affecting them are being made.

In the December 5, 1991, throne speech our government made a commitment to introduce legislation in the current session to establish the Children's Advocate office. Mr. Speaker, I am proud to speak in support of this important initiative. As the Minister of Family Services, I take issues related to child protection, care and family support very seriously. I well understand the stresses and burdens felt by families in crisis.

The legislation that is before the House today reflects our government's strong commitment to Manitoba children who are in need of special care and protection. Recommendations to establish an advocacy office for children in care in Manitoba were made as early as 1983 in a report on child welfare by Judge Kimelman. The 1987 Reid-Sigurdson review on child abuse made a similar recommendation. More recently, the Aboriginal Justice Inquiry also recommended the establishment of an office of child protector.

In each of these instances, the authors and their reports underscored the necessity of creating an independent body to advocate for the rights of children who receive services from the province's Child and Family Services system. Indeed, Mr. Speaker, the establishment of such an office is long-awaited and long-anticipated. It should be noted that the provinces of Ontario and Alberta each

currently have a Children's Advocate office. In both instances, the Children's Advocate reports to the minister who is responsible and accountable for Child and Family Services.

As is proposed by this amendment to Manitoba's Child and Family Services Act, the primary function of the Children's Advocate will be to ensure that children are well treated by Manitoba's Child and Family Services system and that their rights, preferences, and interests are respected when decisions affecting them are made. It should be noted that this office will have a broad mandate that includes case-specific advocacy on behalf of individual children in care; class advocacy on behalf of groups of children; and systemic advocacy to ensure that child welfare standards, policies and procedures are generally responsive to the needs of children.

As the members review this legislation, I ask they keep in mind the spirit and intent of this legislation, which is to establish an independent advocate for children in contact with the Child and Family Services system in our province. I ask that they recognize the importance of the principle of advocacy in this legislation.

Technically, any person who speaks on behalf of, or represents the interests of another person is performing an advocacy function. Naturally, parents or family members are usually in the best position to advocate for the interests of their children. This advocacy role may be lost, however, when due to neglect or abuse the child requires protective intervention by the state. In these cases, a government service system assumes the responsibilities formerly exercised by parents and other individuals in the child's life.

In addition to being the primary caregiver, the onus is on government to also ensure that the child continues to have someone who can and will act on the child's behalf.

When children are taken into care because they are judged to be in need of protection, the primary role and responsibilities of the caregiver shift from the parents to a Child and Family Services agency, treatment centre, group home or foster home. Staff or foster parents do their best to provide protection and support for the children in their care.

* (1440)

This may often include advocating on the child's behalf when important decisions must be made, or

when the services being provided to the child are inadequate or inappropriate. Because they are service providers within the Child and Family Services system, however, there may be instances where staff or foster parents lack the necessary independence to perform an effective advocacy function.

(Madam Deputy Speaker in the Chair)

Similarly, the Director of Child and Family Services and his staff may, on occasion, be perceived as lacking the independence necessary to advocate on a child's behalf. For these reasons, Mr. Speaker, we are establishing a Children's Advocate who has no direct responsibilities for service delivery, and who can therefore represent children's interests in an objective, independent manner.

The Children's Advocate's primary duties will include advising the minister responsible for Child and Family Services on issues affecting children or the delivery of services; receiving and investigating complaints related to child protection and family support services; and speaking on behalf of children when important child welfare decisions are to be made. Madam Deputy Speaker, our government is committed to the children and families of Manitoba.

The introduction of this legislation is an important part of our commitment. During the course of the past five fiscal years we have underscored our commitment to families by increasing the Department of Family Services' total budget by 47 percent, an increase of \$204 million.

During the same period, total government spending has increased by about 26 percent. My department has increased funding to the areas of domestic abuse and violence against women by 223 percent since 1987-88. Funding has now reached an all-time high of \$2.9 million annually.

Child and family support funding has grown by 41 percent over the last five years to \$98.5 million. We have increased child daycare funding by 71 percent since 1987-88, Madam Deputy Speaker, to \$46.7 million in 1992-93. These initiatives by the Department of Family Services reflect the same commitment to families that led our government to introduce the legislation before the House today.

This commitment to children and families also led our government to substantially increase foster care rates. Under the terms of a three-year agreement negotiated with the Manitoba Foster Family

Association, foster parents saw increases of 84 percent and 49 percent respectively for children up to 10 years of age and youth 11 to 17 years of age.

As I noted earlier in my remarks, child protection is a priority of our government and the Department of Family Services. We have strengthened laws protecting children from abuse and have initiated several new child abuse prevention and treatment programs. I should also note that the department has prepared new protocols for reporting suspected cases of abuse. These protocols have been prepared for a variety of professionals, including social workers, health care professionals, child daycare workers and teachers.

Further to our commitment to families, last spring we carried out a major restructuring of Winnipeg Child and Family Services agencies. This restructuring has brought together the administration of the six former agencies into a single organization, thereby reducing administrative costs while improving the co-ordination of support and care for children and families at risk.

My department is also developing a computerized information system to help track Child and Family Services clients and a high-risk indicator to help workers assess cases. Our commitment to families will continue.

Madam Deputy Speaker, the initiatives and support that I have spoken of during the course of my remarks are evidence of my personal commitment as well as our government's and my department's commitment to children and families in Manitoba.

There are critical challenges facing Manitoba's families, and there are critical challenges facing the Department of Family Services in responding to the needs of these families. These challenges include an increasingly complex operating environment resulting from family conflict and breakdown, shifting demographics and weak economic conditions. These realities demand and will continue to demand that the Department of Family Services maintain and enhance vital social services to Manitobans who are in need or at risk at a time when government resources are not expected to increase significantly.

My department's policies and programs affect the lives of tens of thousands of Manitobans and, over the course of a full year, it is estimated that as many as 180,000 Manitobans, over 16 percent of our total

population, receive services or benefits from Family Services or the organization that it funds.

Family Services co-ordinates a wide range of human support services which protect and assist the neediest and most vulnerable members of Manitoba's population.

The Child and Family Services Amendment Act that is currently before this House is part of our commitment to protect the most vulnerable individuals in our province—our children.

I have spoken at length, Madam Deputy Speaker, of the initiatives that have been undertaken in the name of the families of Manitoba. You may be assured that this same dedication and diligence in protecting and supporting children in need of protection will continue. I urge all of the members of the House to join with me in supporting this legislation, which will result in the establishment of the Children's Advocate office.

I am asking that the members consider the words I have spoken in support of this legislation and Manitoba families and support Bill 64.

Ultimately, the establishment of the Children's Advocate office will ensure that children are protected and well treated and that their rights, interests and preferences are respected when decisions affecting them are made.

Madam Deputy Speaker, I ask: Is that not a goal which must in good conscience be supported by each member of this Assembly?

Ms. Becky Barrett (Wellington): Madam Deputy Speaker, I move, seconded by the member for Brandon East (Mr. Leonard Evans), that debate be adjourned.

Motion agreed to.

Bill 70—The Social Allowances Amendment and Consequential Amendments Act

Hon. Harold Gillehammer (Minister of Family Services): Madam Deputy Speaker, I move, seconded by the Minister of Finance (Mr. Manness) that Bill 70, The Social Allowances Amendment and Consequential Amendments Act (Loi modifiant la Loi sur l'aide sociale et apportant des modifications corrélatives à d'autres lois), be now read a second time and referred to a committee of this House.

Motion presented.

Mr. Gillehammer: Madam Deputy Speaker, this afternoon I have the honour of speaking in support of Bill 70, The Social Allowances Amendment and Consequential Amendments Act. The proposed amendments to The Social Allowances Act and to The Municipal Act which are contained in this legislation will resolve the long-standing issue of municipal assistance rates and the rules of eligibility varying across the province.

During the 1988 election campaign, we made a commitment to strengthen Manitoba's social assistance program in order to protect those in need. We stressed the importance of fairness and equity in the system, at the same time underscoring the importance of a local delivery system, sensitive to regional demands and realities. The legislation that is currently before this House is a direct result of this commitment to social assistance reform.

It is also the result of a broad-reaching consultation process involving Manitoba's municipalities. As the members are likely aware, the former Minister of Family Services established the Social Assistance Review Committee in the spring of 1989. The committee was struck to provide municipal governments with the means of presenting the government of Manitoba with their perspective on changes to Manitoba's municipal social assistance system.

Along with the decision to consult with municipalities, the approach also recognized the need for the effective provision of service through continued delivery by the municipalities and uniform regulations governing the provision of assistance. The committee itself was comprised of representatives of the associations representing municipalities: the Manitoba Association of Urban Municipalities, the Union of Manitoba Municipalities and the City of Winnipeg. The Manitoba Municipal Administrators Association also served on the committee.

As the members may recall, the Social Assistance Review Committee prepared a report which was based on a series of meetings held between April and July 1989. This report was then reviewed by each municipal association and the City of Winnipeg Council to ensure that the recommendations reflected the views of the municipalities. This report was also provided to interested advocacy groups for their review and comment. This was an important part of the consultation process.

The legislation that I am speaking in support of today is the result of this consultation process. It should be noted that in its report the committee agreed that standardization of the municipal assistance program, through the provincial regulation, would address the major concerns with regard to the current structure while allowing the municipalities to bring their knowledge of local matters and their expertise to the delivery of assistance.

Furthermore, the committee agreed that there should be extensive regulation of the benefits, rates and financial eligibility criteria, with flexibility for the municipalities to exceed the regulated rates, limited regulation of administrative procedures and reasonable levels of support and monitoring of the municipalities.

* (1450)

It was also recommended by the Social Assistance Review Committee that the criteria which determine eligibility for municipal assistance be standardized. This includes a common definition of what income and assets are considered in the needs assessment test. I have gone into some detail about the consultation process and the review committee's recommendations which establish the basis for this legislation. I have done this to ensure that all the members are aware that these amendments are not being proposed lightly, nor without consultation and input from Manitoba's municipalities.

As the members are aware, in the December 5, 1991 throne speech, a commitment was made to introduce legislation during the current session which would result in more equitable benefits and treatment across the province. I reiterated that commitment on January 17 of this year when I announced the standardization of rates and rules governing municipal assistance through amendments to both The Social Allowances Act and The Municipal Act.

Madam Deputy Speaker, I am honoured to speak in support of our commitment to Bill 70. The intent of this legislation is very straightforward and simple: to standardize the minimum rates and some of the criteria which establish eligibility for municipal assistance across the province through the regulation of the Municipal Assistance Program. The amendments that are proposed by this legislation are the result of our government's

commitment to social assistance reform and the report of the Social Assistance Review Committee, and consultation with Manitoba's municipalities and interest and advocacy groups. With the introduction of Bill 70, our government is establishing the legislative framework necessary to bring about many of the reforms recommended by the Social Assistance Review Committee, and, I might add, necessary to the fair and equitable delivery of social assistance in the province.

The proposed amendments will result in The Social Allowances Act becoming the major legislative base for the social assistance system. The proposed approach is to consolidate the legislative provisions for social allowances, municipal assistance and general assistance within The Social Allowances Act. The result will be that the act would apply to provincial social allowance clients, largely disabled persons, sole support parents, municipal assistance clients, unemployed employables in a municipality, and to provincial general assistance clients, unemployed employables living in local government districts and in unorganized territories.

The amendments to The Municipal Act will empower Manitoba's municipalities to provide municipal assistance in accordance with The Social Allowances Act. The proposed amendments would alleviate disparities and standardize rates across the province. I want to stress that municipalities will retain the flexibility to exceed the minimum standard levels, and provincial cost sharing will be in keeping with the provincially approved standards using the existing cost-sharing formula. The new regulations will also maintain strong employment search expectations that are flexible enough to accommodate regional differences in employment availability.

Most importantly, under the proposed regulated system, municipalities will continue to play a key role in the delivery of standardized municipal assistance. In recognition of municipalities' experience and understanding of local needs and regional realities, municipalities will hold a vital position in the proposed regulated system. Also, key administrative procedures such as some aspects of the applications process will be regulated. This will help to ensure equal accessibility and confidentiality. It should also be noted that municipalities have repeatedly expressed a need for support and assistance during the standardization

process, and so department staff will be designated to support municipal administrators and to monitor the program during the initial transition phase and beyond.

Over the past several years our government has made a number of reforms to the social assistance system in Manitoba in keeping with our commitment to protect those in need of financial assistance. The legislation I am speaking of today is more evidence of our government's commitment to reform Manitoba's social assistance system.

As the members may be aware, we have undertaken a number of initiatives in this regard. For example, immediate eligibility for the provincial Social Allowances Program was extended to recently separated and/or deserted single-parent families effective January 1990. Beginning in the current calendar year, social allowance recipients have received an increase in monthly benefits to cover the value of provincial tax credits previously received on an annual lump-sum basis. At the same time, recipients also received a general social allowances rate increase of 3.6 percent and a 3 percent rise in allowable monthly shelter payments.

I also announced that a special new supplement will be provided to disabled adults who qualify for social allowance benefits to offset their higher living costs resulting from their disabilities.

Most recently, we raised the liquid asset exemption levels for provincial social allowance recipients. This change will provide clients more flexibility in managing their financial resources. Each of these amendments to the provincial program and its policies have been part of the process of reform our government committed itself to in 1988 and when the Department of Family Services was created in 1989.

Madam Deputy Speaker, while the proposed amendments are broad, as I have outlined in my remarks, they are also vital to the delivery of a fair and equitable social assistance system in Manitoba. Inconsistencies and inequities in the current system must be addressed and rectified. The legislation before the House will enable us to do just that. I urge the members to join with me in supporting Bill 70.

Thank you, Madam Deputy Speaker.

Mr. Leonard Evans (Brandon East): I move, seconded by the member for Thompson (Mr. Ashton), that debate be adjourned.

Motion agreed to.

DEBATE ON SECOND READINGS

Bill 45—The City of Winnipeg Amendment, Municipal Amendment and Consequential Amendments Act

Madam Deputy Speaker: To resume debate on second reading of Bill 45, The City of Winnipeg Amendment, Municipal Amendment and Consequential Amendments Act (Loi modifiant la Loi sur la Ville de Winnipeg, la Loi sur les municipalités et d'autres dispositions législatives), on the proposed motion of the honourable Minister of Urban Affairs (Mr. Ernst), standing in the name of the honourable member for Thompson (Mr. Ashton) who has three minutes remaining.

Mr. Steve Ashton (Thompson): Madam Deputy Speaker, it was unfortunate I did not have the full 40 minutes last time to be able to complete my remarks because, as members will recall, I had many concerns about this particular bill.

I want to emphasize again that we are concerned about the powers given to the minister. We are concerned about the precedent this minister is setting in terms of the city of Winnipeg and the kind of precedent we may see in the future in terms of construction of new rural municipalities. It is not a question of Headingley per se, but the kind of agenda that we are going to see from this minister and other members of this government in terms of possible dismemberment piece by piece of the city of Winnipeg and other boundary changes that may occur throughout the province.

I want to indicate that there are many concerns I know in my own community related to municipal affairs, Madam Deputy Speaker. We do not have, in particular, boundary problems. There are other problems in my own constituency with regard, for example, to policing. I will be raising those as concerns.

I am very concerned indeed about what is happening and the pressures that are taking place at the municipal level of government, as in the case of my own community where policing has led to the community having to pick up 90 percent of the policing costs. I think we need a new deal between the provincial government, indeed the federal government as well, and the municipalities, because I see increasingly that municipalities are ending up in a divide-and-conquer type of mentality

this government is encouraging. They are not getting adequate support from the provincial government. They are having offloading of programs. That results in the kind of pressures we are seeing for the reconstruction of boundaries, whether it be in the city of Winnipeg, and will also, I think, lead to the precedent of similar situations outside of the city of Winnipeg.

* (1500)

Madam Deputy Speaker, what this government is doing through its bills, such as this particular bill, and its fiscal policy is putting a great deal of pressure on municipalities that is not good for the citizens of this province. They like to say there is only one taxpayer. Indeed, there is only one taxpayer in this province, and what they are doing is transferring burdens out of one pocket, the provincial pocket, that people have into the other, the municipal level. I can see some major problems ahead for municipalities, for the city of Winnipeg, for the rural municipalities and the urban municipalities in the province of Manitoba if this government does not recognize the damage it is doing to one of the most grassroots, in-touch levels of government, the local level of government.

I am disappointed there are so many people from that side of government who come out of municipal politics, civic politics. I would have thought they would have known better. It is up to us in this case, because of the silence of some of the members opposite, to raise these concerns. I have raised the concerns because I believe as a representative of the city of Thompson I have as much stake, and I wish to speak out as much on behalf of the citizens of Winnipeg if we see in this case as we do, Madam Deputy Speaker, that this government is not doing the same.

In conclusion once again we have significant problems with Bill 45. I want to say, this minister, this government has to amend this bill. If they do not amend this bill, Madam Deputy Speaker, we will be debating it, we will be fighting some of the negative principles in this bill, and we will be debating this bill for quite some time.

Mr. Leonard Evans (Brandon East): Madam Deputy Speaker, I would like to add a few remarks to the debate on this very important bill that has been discussed very briefly by my colleague the member for Thompson. I know he made an eloquent speech

last time, but he only had three minutes on this occasion to provide his wind-up remarks.

It is a piece of legislation that is very fundamental. It involves a number of basic principles that should concern all of us, regardless of what area we represent in the province. There are some principles that bear on how we go about forming municipalities, and there are some concerns we have about the methodology used by the Minister of Urban Affairs (Mr. Ernst).

Having said all that, I can tell you that I appreciate the concerns of the residents of Headingley and a lot of the problems that they have perceived over the years with not getting the kind of services that they believe they are entitled to compared with the amount of taxes that they had to and have to pay still to the city of Winnipeg. What we have here is perhaps the culmination of many years of frustration and of anger and concerns raised by residents in Headingley, both in north Headingley and south Headingley. Of course, in some ways it has come to a head now with this particular piece of legislation and certainly with the referendum that was held last November 14. That is November 14, 1991, when a referendum was held, whereby 86 percent of those who voted supported a movement to secede, they supported a secession, they supported the setting up of a separate jurisdiction of Headingley.

I note, I am not sure under what legislation this referendum was able to be held. I do not believe there is any provision. I stand to be corrected on that, but I do not know under what provision, in what act that particular type of referendum was allowed to take place.

Of course, you can argue that if you have any kind of referendum on a secession it should involve the whole and not just the part. Just as many people in Canada would argue that you cannot just have a referendum in the province of Quebec and allow it to decide that it is going to secede from the rest of the country without involving the opinions of the rest of the country, therefore a case has been made, Madam Deputy Speaker, in terms of constitutional reform for a nation-wide referendum so that everybody has an opportunity to voice a concern, not just the one part that wishes to secede.

I think that type of argument can be utilized in this case as well, that perhaps there should have been involvement of residents in the city of Winnipeg as well, but it is sorry that we had to come to this

particular extreme position where the residents were very, very upset and took the measures that they did and carried on as they had.

I think that there could have been other solutions worked out between the city fathers and the residents of Headingley with the co-operation of the Province of Manitoba to avoid this type of drastic action because, indeed, it is drastic. It is a carving up of part of the City of Winnipeg and thereby diminishing the city as we now know it.

Having said that, I can understand the perception of Headingley being separate from the City of Winnipeg and, indeed, when you drive through Headingley—I am talking about north Headingley now, which I have driven through regularly for over two decades. I drive through that area many times, too many times during the year. I know that especially when I go through in the evening or in the darkness that you come from Brandon, you come from the west and you hit Headingley and you have lights and you are in a community, you are in an area. You think, well, maybe you are finally in Winnipeg, but then what happens, you go a bit further and you hit the darkness again. So it is totally dark between the built-up north Headingley area and the area near the Perimeter. So there is a darkness in there and it gives you the perception that really—

An Honourable Member: How would you know all that? You have not been to Brandon for years.

Mr. Leonard Evans: Well, as I said before the Minister of Finance (Mr. Manness) sat down, I have driven through Headingley between this Legislative Assembly location and my constituency too many times over the last two decades.

An Honourable Member: You used to.

Mr. Leonard Evans: Well, used to—Madam Deputy Speaker, I would invite the minister to come with me and see how many times we take that trip—last week, the week before, this Friday, and the following week, and the following week, and week after that, ad infinitum—just too many times.

As a matter of fact, if and when I ever retire from politics, I figure I might apply for a job with the Greyhound bus line driving the bus to the west because I am a man well experienced in that area, very well experienced. I know every little turn, every little bump in the road and most experienced, too experienced, in that particular stretch. But I say there is that perception of separation that you get,

particularly when you drive in the dark, to see the darkness between the built-up north Headingley area and the rest of Winnipeg, which starts to come to light when you get near the Perimeter.

It is an old issue, Madam Deputy Speaker, and it is an issue pretty basic, very close to people, an issue of paying certain property taxes, paying what the residents of Headingley seem to think are too high. [interjection] Yes, and on the other hand the level of services that are provided.

The member for St. Norbert (Mr. Laurendeau) is talking from his seat. I do not know if I get all his comments or follow all of his comments from his seat, but I can tell you that we had to deal with a comparable situation in Brandon with what happened in Winnipeg. In 1969 when we became government in the Schreyer administration, we did have the problem of a metro Winnipeg with many municipalities offering many kinds of services, levels of services, various tax rates and so on, and it just was not very satisfactory. You did not have equity in taxation and you did not even have the equity that you like to see in type of service in, presumably, the major urban area in the province of Manitoba.

In the wisdom of the time, and I know with the support of the mayor of the City of Winnipeg and I think the bulk of the leadership of the City Council, we proceeded with the Unicity legislation, Madam Deputy Speaker, and I voted for it and we created the city that we have today, more or less with some minor modifications that have taken place since and may take place at some time in the future.

I think it was the right thing to do. At the very same time, I would like to remind members of this Legislature that we undertook a similar move in the city of Brandon because the city of Brandon had urban sprawl into the surrounding municipality of Cornwallis. The Rural Municipality of Cornwallis contained several thousands of people immediately adjacent to the city boundaries of Brandon. Richmond Avenue used to be the southern boundary and you go across Richmond you see many, many blocks of housing and you find that totally urban area, but that was the R.M. of Cornwallis.

You had a very unsatisfactory situation where industry was coming to the Brandon area demanding services from the City of Brandon, yet locating out of the city, partly because there was not

sufficient room in the city, paying taxes to the R.M. of Cornwallis, so that the R.M. of Cornwallis probably had the biggest bank account of any rural municipality in this province. In the meantime, the City of Brandon was suffering in terms of inadequate tax revenue to provide the services that were demanded by the residents. I believe that we made the right move in 19—I guess it was about '71 when the legislation was passed, approximately the same time as the legislation setting up Unicity, and we brought those urban areas into the city of Brandon. This was of course after a one-year review by Doctor DuImage who was then president of Brandon University, and with adequate hearings and input from the public and so on and came with a proposal for redrafting the boundaries which the government of the day accepted after due deliberation and debate in session and in this Legislature and, of course, after public hearings at the committee level.

* (1510)

At any rate, we set up an enlarged Brandon. It was the right thing to do. Perhaps if I were asked over the last 22-23 years one of the most significant things I had been involved in as an MLA from that area, I would say without hesitation it was the enlargement of the city of Brandon to give it a proper tax base and to enable it to carry on in a reasonable way. I think it provided the basis for considerable growth in the city. It certainly provided the basis for a more equitable tax system.

At the same time, those people who were brought in had improved services, because what was happening in the urbanized areas of the R.M. of Cornwallis was you had hundreds and hundreds of homes that were not on a proper water and sewer system, and there was a real public health problem, a very potential serious public health problem on the horizon, and something simply had to be done about it. This was one of the things that was accomplished in the enlargement of the city's boundaries, because water and sewer was brought in in large measure to that area, and it was done, as I said, for no other reason. It should have been done for public health reasons, but it was done for other reasons as well.

So the city at the same time as Winnipeg did have a major boundary expansion and a major rationalization of responsibilities in that area. I believe the city continues to benefit on that account. It certainly has a large area for industrial development that it did not have before. I think that,

as I said, in my 23 years approximately of being in this House and representing Brandon East, of all the things that I have been associated with, I think that was perhaps the most significant thing. In fact, it was an election pledge I made in 1969 when I ran, and I am very happy that I was able to see that election pledge fulfilled.

So when we talk about services versus taxes paid and whether we are getting adequate services for the amount of taxes paid, we are dealing with an eternal question, I suppose, in government. We have that in this case as well, in the case of Headingley and the concerns expressed by the citizens in that community.

As I said, it is not a new problem. It has been dealt with over the years by various groups. One of the most outstanding reviews, of course, was made by the Cherniack Committee, The City of Winnipeg Act review committee chaired by Lawrie Cherniack with some excellent people who had many years of experience in urban government, including D.I. Macdonald, former commissioner of metro Winnipeg and Alan Artibise, who is an urban studies expert, an expert on urban problems, urban development, Donald Epstein and Paul Thomas.

All of these gentlemen were experienced and well qualified. They held hearings and they had many discussions with people and finally came up with this comprehensive recommendation to government on proposals to improve the administration of the City of Winnipeg.

In Section 8 of the report, it deals with the subject of the city and its neighbours and specifically deals with the question of Headingley, the Headingley area. Of course, it deals with various other rural areas and rural jurisdictions surrounding the city of Winnipeg. It notes that what we are concerned about is some very difficult, very fundamental regional issues in this instance.

They are basic issues regarding the effectiveness and desirability of what is known as the Winnipeg additional zone. That is one area of concern. The other, as I said, was the appropriateness of the current boundaries of the geographical limits of the city of Winnipeg.

Of course, related to that was the purpose of future mechanisms for the utility or purpose of future mechanisms for co-operation between the city and its neighbouring rural municipalities and also the resolution of a number of intermunicipal grievances

and continuing problems that adversely affect their relations, Madam Deputy Speaker.

At any rate, the committee's view was that there was general agreement on most of the basic items, such as the future of the additional zone, which give the City of Winnipeg certain powers to control development outside its immediate administrative purview, outside of its legal limits; also, a basic item including principles for boundary adjustment; in addition, questions of city acquisition of land outside of the city and the question of the City of Winnipeg's adherence to the approval of requirements of other municipalities; and then questions of city payments of full grants in lieu of property taxes to other municipalities.

At any rate, it is an excellent report, authored by some people of considerable experience and talent and, I believe, in a nonpartisan way, representing views held by many thinking people in the area and in the province of Manitoba.

The committee made some specific recommendations for a regional association of municipalities in a particular region, and it talks about methods and so on, but it is not suggesting that the parties are unwilling to co-operate, and they believe that ultimately through discussion and good will there will be a recognition for certain changes to be made, and indeed those changes can be made.

Well, they talk about abolition of the Winnipeg additional zone, and I just mentioned in passing that the committee recommended that that additional zone be abolished, that therefore that the city have that power taken away from it and that it confine its jurisdiction and its responsibilities to within its existing legal limits.

It goes on talking about corporate limits of the city of Winnipeg, and it recommends adjustments to the boundaries of the city. Specifically, it states, the review committee recommends that the act establish principles or guidelines to be used in making boundary adjustments between the city and adjacent rural municipalities. This section should specifically oblige the province to make boundary adjustments as required to ensure future maintenance of an urban development standard within the city's boundaries and a rural standard and a life style outside of the city's boundaries.

So I think that that is a basic principle and one that has to be considered in discussing the principle of this piece of legislation before us. We are talking

about principles when we discuss this Bill 45 in second reading, and this is a basic principle established by the Cherniack commission. It suggested a number of guidelines which I would like to refer to because they are germane to the debate: 1) lands relatively contiguous to the city's boundaries that an elected council of a rural municipality has designated for development or approved for development to a suburban standard typical of suburbs within the city should be incorporated within the city's boundaries.

* (1520)

So, if there are activities just outside the legal limits of the city, and if they seem to be of an urban nature, then those should be brought in. I think there is some specific reference in the northeastern section of the city whereby there is certain land there that should be brought in from the R.M. in that area.

So that is one guideline. You develop—if it is urban or suburban, it should be brought into the city, and presumably the corollary of that, if it is rural, it should be left out. So that brings you to the second guideline.: Lands that rural municipalities designate and/or approve for development for rural residential purposes below the standards typically found in the city suburbs, agriculture use or other rural purposes outside of their established towns or villages should be retained within their jurisdiction.

In other words, the existing rural municipalities that surround Winnipeg should be able to maintain and indeed acquire lands, but in this guideline No. 2 they should simply retain those lands within their jurisdiction.

Thirdly, the third guideline of the Cherniack Committee here: Where the city declares its long-term intention not to use lands within the city's boundaries for development to a typical urban or suburban standard, or for other uses and purposes important to the city, those lands should be considered for exclusion from the city's jurisdiction.

So there, Madam Deputy Speaker, you have the point where you could make a case, I suppose, an argument that Headingley should rightfully be removed if you determine, of course, that it is below urban or suburban standards however that is deemed. But in this principle note the Cherniack Committee is saying, it is where the city declares its long-term intention not to use lands within the city's boundaries for development. I would say therefore that the Headingley area was not declared that by

the city, and therefore I do not know how those who would argue for the separation of Headingley could refer to this Cherniack guideline in that instance, because it leaves the onus on the city, where the city takes the initiative to declare that it has no future use for that particular land.

The review committee recommends that the act be amended to establish new boundaries for the city of Winnipeg, and in some areas it recommended no change in the city's current boundaries. In other areas, they suggest some important modifications. They go on to talk about the R.M. of Rosser, R.M. of Macdonald, R.M. of West St. Paul, East St. Paul, et cetera, but they go on to discuss the Headingley area specifically, Madam Deputy Speaker.

Just to quote from the report: The committee is not in a position to provide a specific description of the western boundary at this time. One idea which has received considerable support during the consultation process is that the city's western boundary should be drawn in to remove the Headingley area from the city of Winnipeg. North of the Assiniboine River the boundary could be approximately two kilometers west of the Perimeter Highway. South of the river the boundary could be the Perimeter Highway.

I will just repeat that: South of the river the boundary could be the Perimeter Highway. We recommend, however, that an immediate study of the alternatives for precise boundaries and for Headingley's future municipal status be undertaken and concluded within 12 months. During this period, a basic planning statement or development plan should be prepared for the area. One of the main objectives of this plan should be to establish policies and an official land-use plan to safeguard Headingley's future as a predominantly rural environment adjacent to the city. Headingley's residents must be given the opportunity to participate fully in this process and in the decisions that may be taken as a result.

So, Madam Deputy Speaker, considerable water has flowed under the bridge since this report was issued in late '85. Actually, it came out in 1986.

An Honourable Member: Who is building the bridges?

Mr. Leonard Evans: Well, I am glad some members opposite are listening here. This was a test, Madam Deputy Speaker. You listen with bated breath.

At any rate, obviously the Cherniack Committee is supporting a move that is being proposed in this piece of legislation. Where the disagreement comes is the methods, procedures and so on, and perhaps the timing, but, as I said, it is an old issue. Unfortunately, in some ways we have not had the research into . . . recommended into a development plan that would be appropriate for the area because the area should know where it is going to go. What are its objectives? I mean, the last presumably—[interjection]

Well, for the council, but nevertheless council should be part of development plans. They should be want—

An Honourable Member: But that should be their council that does it, so let us let them form a municipality.

Mr. Leonard Evans: Okay. Well, we are talking about a recommendation.

I do not know whether this is in order, Madam Deputy Speaker, to debate with someone who is commenting from his seat, but the member raises some good points. But I am just saying this committee's report is long before the establishment of a separate municipality. They are talking about doing some planning and thinking about the process, so where we are going to go before you even hold a referendum, before you make the decision to cut off.

The member opposite talks about the responsibility to the municipality, but it does not exist as such yet. There is nothing, I am sure, with competent people and some wisdom and good will, others—the province could have come up with some proposals of what a development plan might look like. That does not mean that the municipality would not take subsequent responsibility. It does not exclude that whatsoever.

There was discussion, there was a white—[interjection]

At any rate, I did not hear all of that. I did not hear the first part. But there was a white paper issued by the Minister of Urban Affairs (Mr. Ernst) on February 27, 1987—a discussion paper, I should say—entitled "Strengthening Local Government in Winnipeg: Proposals for Changes to The City of Winnipeg Act." It dealt with obviously major issues, not just boundaries. It did that indeed, but it dealt with more comprehensive issues such as a more representative and accountable city government

and more democratic and equitable city government, but also it dealt with planning and it dealt with land use. It certainly dealt with questions of zones or areas outside of the city of Winnipeg, specifically, I note, dealing with the abolition of the additional zone.

There too there was agreement that the additional zone could be abolished, but, at any rate, the point I am making is that the problem has been around a long time. We are dealing with something that has been a matter of controversy between City Council of Winnipeg and residents in the Headingley area.

So we have, on the one hand we are concerned that we ensure that we maintain a strong capital city in our province. It is our largest city and it provides a lot of benefits for us, as do, indeed, most of our good parts of our province. Many urban centres across the province provide basic services to their residents. The City of Winnipeg provides some very important services that could only be provided in an urban setting. They could not possibly be provided in a rural setting.

There are certain advantages, certain things we get out of living in an urban area. Certainly urbanization of people around the world has enabled us to engage in all kinds of developments, research, higher education, something that would never have occurred if we did not have urban centres.

The basic research, the scientific research that occurs in the world, the basic centres of higher education, these centres of art and culture are found throughout the world, by in large, in the major urban centres. Certainly we get that out of the City of Winnipeg by having a large urban conglomeration of people. We get certain things that could not happen otherwise if those people were scattered throughout in rural settings or in smaller towns or smaller cities. I am talking about the obvious.

* (1530)

What I am saying though is that it is important we make sure that we do not hurt the existence of the City of Winnipeg, and we have concerns that this may be opening the flood gates to other proposals to carve chunks off from the City of Winnipeg.

In my view, in our view on this side, this would not be a good thing. As I said, I voted for Unicity in the Schreyer administration. It was the right thing to do, and basically we should ensure that we do whatever we can to maintain a good viable city structure.

There have been proposals made for improvements to the city structure. No one said that in 1971 it was perfect. We should always be open to suggestions for change, modifications to help make the structure more democratic, to make it more accountable, to make it more efficient.

Basically, what we did was avoid duplication of fire services, avoid duplication of police services and so on and try to co-ordinate that within the metropolitan area. Of course, this is a problem the people of Headingley are going to have now, assuming that at some point they are a legal entity unto themselves. They are going to confront the problems of providing adequate fire protection, adequate ambulance service, adequate police service, and whatever other services the people in that jurisdiction wish to have.

Our concern with the bill, Madam Deputy Speaker, as has been stated by some other members on this side, is that it is not restricted essentially to Headingley. It gives the minister a blank cheque to accommodate others who may wish to secede from the City of Winnipeg.

Why should we give the minister and the government a blank cheque to do this? Why should we leave it to the Cabinet, which as I understand from this legislation, could deal with these other areas simply by Order-in-Council without coming back to this Legislature.

If another area has to be dealt with, has concerns, and we know there were concerns raised in St. Germain. I do not know whether there were any concerns raised in St. Norbert, I am not sure, but wherever they may be, West St. Paul, East St. Paul, I do not know. Wherever there are concerns, they should be dealt with, and if there is need for additional action to adjust the boundaries, that should be done through specific legislation dealing with that rather than giving the minister a blank cheque, giving the minister omnibus powers to do what he, or perhaps she, likes to do at some future time.

There does not seem to be any planning involved in this. They seem to be doing it in a very ad hoc fashion. As one member said across the way, well, the municipality can do its own planning, but I say that there is a responsibility on the part of the province to ensure that there is co-ordination and that there should have been some better idea of

what we were getting into before we just rush in like this.

We do not have any information. I do not believe there are any studies, to use an example, what impact will there be on taxes? What impact will there be in the city of Winnipeg? What impact will there be on the residents of Headingley? I know that question begs another question and that is, what level of municipal services do they want? Well, nobody knows, and that is why I said it would have been probably rational to look at these things, to have a study done in advance so that some of those answers could have been provided.

We are also concerned, and, you know, it is easy to just pass over these things, but the fact is that we have not had sufficient planning and control even within the city of Winnipeg, Madam Deputy Speaker, because we have seen a lot of sprawl within the city. I am thinking particularly the south St. Vital area which has probably caused urban taxes in Winnipeg to go up higher than they would otherwise.

We are concerned about disclosure provisions. When you have a referendum and people involved in a referendum, to what extent have certain individuals contributed money towards influencing a referendum one way or the other? We have seen too many developers become involved in the political process in this City of Winnipeg, and that is not in the interest of the residents at large.

Another question regarding the division of assets, we are not so satisfied that what is being proposed in the bill will enable that to be done in as independent a way as it should be, and we would argue, or I would argue anyway, that you need a completely independent board to be involved in that procedure and not the cabinet or some senior official in the Department of Urban Affairs.

The City of Winnipeg has put forward proposals for a rational approach to boundary adjustments, which I think that we should be able to agree with. In many ways, they support what was stated in the Cherniack report, and that is, that urban development standards should be contained within the city boundaries and a rural standard and lifestyle established outside of the city boundaries.

The city agrees that primary agricultural land on the fringe of the city should be protected and its conversion to urban uses should be resisted. They also believe that existing and proposed private sports and recreational facilities that are of a

metropolitan regional nature should, where geographically practical, be contained within the city's boundaries, and they use as an example, of course, the Assiniboia Downs. It would seem to me that that is what is being proposed in the most recent recommendation on boundary adjustments.

The city is also agreeable, or proposes, that existing city-owned, municipal service facilities that will continue to provide services to the city, should, where geographically practical, be located within the city's boundaries. Of course, the example there is the Winnipeg Pollution Control Centre remaining within the city of Winnipeg.

Madam Deputy Speaker, could you advise how much time I have left?

Madam Deputy Speaker: Three minutes.

Mr. Leonard Evans: Well, if I could have another 30 minutes by leave, we can go on.

I have lots of material here. I would like to spend more time in putting forward some of the rational considerations of people who have given a lot of thought to this and who suggest a rational approach to adjustment. But the city does have planning concerns outside of the city, in that area, and I think the province will do us all a favour, the Minister of Urban Affairs (Mr. Ernst) will do us all a favour if he would take heed.

In conclusion, Madam Deputy Speaker, we oppose the bill as it now exists. We believe it is done in haste. We believe we should only be dealing with Headingley. We should not give the minister power to adjust Winnipeg boundaries by regulation. The minister should rewrite the bill. All the boundary changes should come to the Legislature. Winnipeg, and its government, I believe, as I said earlier, is important for the whole province. So we are going to have these concerns. We are concerned that there not be excessive and unacceptable use of regulation by the minister, as will occur if this bill is passed the way it is at the moment.

* (1540)

So, we believe, Madam Deputy Speaker, therefore, that far more consideration should be given to this bill, that certain amendments should be forthcoming. I am sure that, when it gets to the committee stage, if it ever does, that some very important recommendations will be forthcoming to make this legislation far more acceptable than it is at the present time.

I thank you, Madam Deputy Speaker, and the other members of the House, for their attention in this deliberation of Bill 45.

Madam Deputy Speaker: Order, please. On a procedural point, I neglected to ascertain if there was leave to permit the bill to remain standing in the name of the member for Wolseley prior to permitting the member for Brandon East (Mr. Leonard Evans) to speak to this bill. I will now pose the question. Is there will of the House to permit the bill to remain standing in the name of the honourable member for Wolseley (Ms. Friesen)?

An Honourable Member: No.

Madam Deputy Speaker: No? Leave has been denied.

Point of Order

Hon. Clayton Manness (Government House Leader): Madam Deputy Speaker, I have a little problem here. I do not mind letting it stand in the name of, as long as we spend all afternoon on Bill 45. That is a condition. If we do not have members opposite in the absence of the member for Wolseley (Ms. Friesen) prepared to speak, then we must insist that the member for Wolseley speaks. So that is the dilemma I am in right at this moment.

Madam Deputy Speaker: The honourable member for Wolseley on the same point of order.

Ms. Jean Friesen (Wolseley): Madam Deputy Speaker, we do have a number of other speakers who want to speak on this. So I think I would like to see you leave the bill standing for the time being while other members speak.

Madam Deputy Speaker: The honourable member for Inkster (Mr. Lamoureux) on the same point of order.

Mr. Kevin Lamoureux (Second Opposition House Leader): On the same point of order, Madam Deputy Speaker, we in the Liberal Party did want to grant leave, and I understand that the government will allow leave and just possibly allow the other members to stand up and speak to it. Maybe we can revisit it, as the Government House Leader (Mr. Manness) suggests, but we do allow leave for it to remain standing in the member's name.

Madam Deputy Speaker: Order, please. There must be a determination made now by the House as

to whether it is the will of the House to permit leave or not to permit leave.

Mr. Manness: Yes, we will let it stand.

Madam Deputy Speaker: So leave has been granted to allow the bill to remain standing in the name of the honourable member for Wolseley (Ms. Friesen).

* * *

Mr. Jim Maloway (Elmwood): Madam Deputy Speaker, I am very pleased to rise today to speak to Bill 45. I listened to the Minister of Family Services (Mr. Gilleshammer) earlier when he made a speech, and I was hoping that he would have the opportunity to listen to me on this bill. It was a very close call here with all of the points of order and interjections, but I am very pleased that everything has worked out and the minister is here and I can begin to try to convince him of the merits of opposing this Bill 45 in its current form.

Madam Deputy Speaker, the Headingley issue has been around with us for as long as I can remember. I guess the question that I have often wondered about is, why would a municipality want to secede in the first place, particularly if its concerns were being addressed by the central authority? It seems to me that if I was a resident living in Headingley and I was getting the services that I was to expect for my tax dollars, that I would not want to secede from the city of Winnipeg. It seems to me that the people of Headingley were certainly not getting what they were expecting to cause them in fact to take this drastic step in the first place.

Financial pressures are always a concern, I believe, particularly at a time when the economy is in the shape it is in right now. I think that people forced with financial pressures and so on will always take the easy road if given that option, and may in fact do things that they may perceive as being in their short-term interest, but perhaps may not be in the long-term interest of themselves or the greater good.

I am concerned about the concept of allowing different groups to secede from the city of Winnipeg, and I think that it is possible to ask a question a certain way and get a certain response here. I think that if you asked the residents of Transcona a question in a certain way, they too might make a decision to secede from the city of Winnipeg because everyone wants to save money, and if that

is perceived to be a way to save money, then people may take that short-term solution.

Madam Deputy Speaker, that is my understanding of one of the reasons why Unicity was established in the first place. Prior to Unicity we had a situation where we had a number of separate municipalities, separate little city states, and each had its own taxation base, and each had its own level of services. If one could afford to live in Tuxedo, for example, then one was in a position to live in an area with a better taxation base than, say for example, Elmwood or Transcona, and one could enjoy much better services as a result.

Let me ask you what would happen if Tuxedo or River Heights decided to secede, with their affluence and their tax base, where that would leave the rest of the city? What you would have essentially, if you follow this line of thought that this bill engenders to its logical conclusion, is you would be back to the days of the city states of old where you had each city as a state in itself, had its own army, its own completely autonomous system and was essentially at war with all the other city states in the region.

Certainly that is not the kind of attitude, the kind of activity that I think we want to foster. After all, in Europe today we have a coming together of small states into a larger economic union. In fact, in the last 30 years we have two or three countries in Europe, Italy being one, I believe, whose standard of living has actually now caught up with and exceeded that of Canada. A large part of that is due, I believe, to the trading bloc of the European economic community.

What has happened out of that is that, in fact, the people now are leaving Canada in favour of moving back to countries like Germany and Italy, because people are getting together as opposed to being split apart. I think we are heading in the wrong direction if we are to be seeing communities being separated—

* (1550)

Hon. Harry Enns (Minister of Natural Resources): Where do we stand on free trade?

Mr. Maloway: The Minister of Natural Resources asks about free trade. I do not think there is any question that the New Democratic Party has been in favour of free trade for years and years and years, because we recognize that tariff barriers are a problem long term. What we have always said, and

the minister should remember this, that we opposed the trade deal that was established in this country three to four years ago now. We opposed that particular deal. We never opposed a sectoral free trade deal based on a sector-by-sector approach to it, so need not the minister cast any aspersions here, Madam Deputy Speaker, because we would not want to leave any false impressions on the record.

I do think that we are heading in the wrong direction here, and I do not believe that the people necessarily in Headingley are being well served by separating away. Once the people of Headingley are able to leave the city, then where does that leave Transcona, where does that leave the rest, and St. Germain? Where does that leave the other areas that may have grievances that can be now worked upon by local parochial thinking politicians? If all of the suburbs start to break away, then what does that leave in the city of Winnipeg? It leaves a core area that has been neglected for years and years and years, been neglected because of the Conservative and Liberal philosophy of allowing urban sprawl essentially.

We know that over the years we have a situation, particularly in the American cities, where people because of the policies of development that are fostered by Conservative- and Liberal-type governments—whereby the developers call the shots. The developers have the local Tory and Liberal politicians in their back pocket and snap their fingers and the local politicians respond to their every whim. That whole philosophy, that whole approach has led to uncontrolled expansion and development and basically a total neglect of the city core of these cities, because after all there are no bucks to be made in it so the developers are not interested in reworking and re-establishing the core area of the city. They are interested in taking good farm land out of production, running in new streets and services and so on and essentially making big money selling houses and developments.

That is the type of uncontrolled approach to urban development that the Conservative and Liberal people across this country have allowed to happen. Now even they are seeing limits to this approach, and even they are, belatedly, but even so they are seeing that the developers do have to be kept under some kind of control and that you cannot constantly be expanding the city and taking more and more and more farm land out of production so developers, so their friends in the development community can

make all these excess profits which in turn completes the circle and keeps these people in power.

The whole strategy here, the whole strategy is tied into the Tory corporate philosophy of dismantling, trying to, attempting to dismantle the state. The whole concept of cutting the size of City Council to the proposed reduced number of seats is all part of, sort of the last gasp of the gang at City Hall who see the new progressive group known as WIN catching up to them and potentially knocking them out of their lofty little nests. Out of almost sheer terror they have decided to circle the wagons and change The City of Winnipeg Act because they feel that is the only way that they can stop WIN. The only way that they can hang on to their preferred position is to have fewer seats in the city so that their developer friends can more easily carve up and control the city government, and it has been a neat trick. It is a neat trick that this government has perpetrated on the people of the province, and I am hoping that people will not fall for this. They certainly will not fall for it in the long term, but in the short term it did sound like a reasonable thing to do to reduce the size of City Council. It is all part of their overall approach to keep the government in the hands of the developers.

Now we see the gang reconstituting itself at the city level. Just recently there are a number of business groups that have got together and decided they are going to run their own gang now and they are calling it something else. If you look back over the last hundred years, you have the different business groups, the group for good government, and there were a whole number of these over the years, that have constituted and reconstituted themselves and now—

Point of Order

Hon. Linda McIntosh (Minister of Consumer and Corporate Affairs): Madam Deputy Speaker, on a point of order, I believe the bill is to debate things other than the personalities and interests of particular councillors. I would really appreciate hearing the member speak again about the people of Headingley whom I represent and have a great interest in hearing this debate.

Madam Deputy Speaker: I would like to remind all honourable members that indeed debate on second reading of bills is to be relevant to the principle of the bill.

* * *

Mr. Maloway: Madam Deputy Speaker, I really enjoy the interjections, actually trained and timed, I think, by members opposite, because they have been doing this now for the last four or five years. I do not know why they do not quit because they have never been successful in the past.

I recall a bill on the fire schools I believe it was or the fire department training sessions, and they must have risen in their place at least a dozen times throughout the presentation and in the end realized that in fact there is a wide latitude. The speaker is traditionally offered a wide latitude when discussing bills. I have been addressing Bill 45, which is clearly a City of Winnipeg amendment act. I do not know how more relevant one can be than tying the comments in to City of Winnipeg issues that are specific to this bill.

Madam Deputy Speaker, it is very difficult to respond to the members when they keep interjecting on such frivolous points of order. Nevertheless, I will continue and I invite many more over there, when they feel the time is right to stand in their place and raise their interjections.

To the gang supporters over there, the former gang members and gang supporters, I must say that they certainly are operating on very much borrowed time. I think they are going to see some drastic changes this fall in the make-up of the City Hall.

Regarding specifically Bill 45, the facts are, Madam Deputy Speaker, that this particular bill gives the government a lot of power that I do not think that on reflection the government needs or really wants to have. I do not think the Minister of Urban Affairs (Mr. Ernst) wants to become in effect a marriage counsellor, because that is what he is going to become if you follow through with this bill. It refers to the minister being involved in the separation of property and the dividing of assets and other monetary arrangements.

* (1600)

This particular Minister of Urban Affairs has never come across to me as an individual who really likes to be overworked, and I think he is really asking—I mean I would see that he would see some red lights, red flags flying on this one and he would try to avoid trouble and avoid work, although he has not been too successful over the past year, given The Pines situation and other situations.

I think that when he realizes the potential mine fields, the potential work he is going to get himself into in this Bill 45, Madam Deputy Speaker, he might think twice. I do not think he would want to become the arbiter of trying to decide whether Transcona should keep this, or whether the city should keep something else, or if St. Germain leaves whether he would want to be involved in their splits of assets, and so on.

I think it is bizarre that the government would want to find itself involved in this kind of situation, but once again we are dealing with a government that philosophically does not believe in planning.

You know the Minister of Finance (Mr. Manness) talks about models. When he was in opposition, he was great for talking about how budgets should be presented with five-year projections and so on—right?—when in fact planning is not consistent with Conservative ideology. I mean, after all, they tend to believe in the sort of John Wayne approach, to shoot from the hip and do things in a kind of an ad hoc basis. After all, in a free competitive market, the developers cannot really get together to divide up the pie because they are all trying to get the whole pie for themselves.

It is a competitive environment, so the minister cannot plan ahead and say this is the way things are going to be, because after all they have all their developer friends out there who are competing and are trying to leapfrog over one another to get the best deal they can and make the most money they can, and so the government's approach is a stand-off sort of approach. Let the market determine the way the economy is going to operate. That is the basic tenet of the Minister of Finance who is really the de facto leader of the group over there.

I know occasionally we think the Minister of Health (Mr. Orchard) is in charge, and it is hard to tell some days who is really in charge, but I think it is fair to say that the Minister of Finance (Mr. Manness) is quite—his ideology permeates the group over there more so than most of the others. I think it is fair to say that he is fairly consistent in the way he approaches philosophy, and his overall philosophy and that of the government is—

Madam Deputy Speaker: Order, please. I have been extremely flexible, extremely patient, and I hesitate to interrupt the member, but I must remind him that under our rules and practices, debate at second reading must be relevant to the bill before

the House. This bill relates to amendments to The City of Winnipeg Act which relate explicitly to Headingley.

Point of Order

Mr. Steve Ashton (Opposition House Leader): On a point of order, Madam Deputy Speaker, this bill does not relate specifically to Headingley. If the Deputy Speaker would care to read this bill, it has far-reaching implications, and I would caution, raise a point of order, as to whether the Deputy Speaker, in enforcing our rules on relevancy in this case, may be doing so and advise the Deputy Speaker that she is in error. This bill has far-reaching implications and, in fact, the member is in order.

Hon. Clayton Manness (Government House Leader): Madam Deputy Speaker, you are right in your direction to the member for Elmwood (Mr. Maloway). Certainly, if the member were talking in principle about municipalities and their relationship, either under existing legislation with the City of Winnipeg and our larger centres, and how it is in principle that maybe one should consider the pros and cons associated with secession, then I would say the member would be in order. He has done very little of that today.

He, as a matter of fact, was talking about the philosophy of the Minister of Finance (Mr. Manness) permeating government. That is when, Madam Deputy Speaker, you rose to your feet. How that has any possible connection to the relationship of an area of the city trying to secede from the city, I would question.

Madam Deputy Speaker, I support your ruling and indeed I compliment you in asking the member to come to order.

Madam Deputy Speaker: Order, please. The honourable member for Thompson (Mr. Ashton) did not have a point of order when he directed my attention to the fact that I called the member to order because he was not debating the principles of the bill. However, he did indicate that the bill was relative to other municipalities, but I would also suggest to the honourable member that he came dangerously close to challenging the Chair.

Point of Order

Mr. Ashton: On a point of order, I would point out that it is our tradition in this House that Speakers do in fact make rulings. There is provision, Madam

Deputy Speaker, for members to challenge rulings of a Speaker.

I was trying to give the Deputy Speaker the opportunity, Madam Deputy Speaker, to correct a statement that was incorrect in terms of this bill. Indeed, I will challenge the Speaker if there is a ruling that we feel is unfair in terms of relevance, but I do not need to be lectured by the Deputy Speaker in terms of the rules of this House. I did not challenge the Deputy Speaker, and I take offence to your suggesting that was the case.

Some Honourable Members: Oh, oh.

An Honourable Member: It goes too far when we have biased chairing. I will challenge biased chairing. In this case—

Some Honourable Members: Oh, oh.

Madam Deputy Speaker: Order, please. The honourable member for Thompson (Mr. Ashton), in my opinion, indeed, did not have a technical point of order and I repeat my previous statement. In my opinion, the member came dangerously close to reflecting on the Chair.

Point of Order

Mr. Edward Connery (Portage la Prairie): On a point of order, Madam Deputy Speaker, the member for Thompson very clearly said, we are having biased chairing in this House. That is not the language that we use in this House in reference to the Chair.

Some Honourable Members: Oh, oh.

An Honourable Member: I said I will challenge biased chairing and I will.

Madam Deputy Speaker: On the point of order for the honourable member for Portage la Prairie (Mr. Connery), in the heat of the debate, I did not hear those words, but I indeed will take it under advisement and I will peruse Hansard and report back to the House.

* (1610)

* * *

Mr. Maloway: Madam Deputy Speaker, if I may continue my comments on this bill, and I must admit that I do appreciate a break every once in awhile when the members opposite rise to give me one. I invite them to rise any time they wish. They are only hurting themselves in terms of their abilities to get this bill through the House.

Madam Deputy Speaker, Bill 45 clearly gives a blank cheque to the minister. I do not think there is any question about that. I mean, the members opposite want to argue about what it does and it does not do. We have said that it gives a blank cheque and we have indicated that the minister is going to be involved in a bunch of areas that he does not want to be, essentially a marriage counsellor trying to divide up assets and so on between feuding areas of the city. We have said that is not a good idea and if they do not recognize that then that I guess is just too bad. They will have to live with it, but they certainly will not be able to blame us for not pointing it out to them.

Madam Deputy Speaker, Section 4(1) of the proposed bill says clearly that the Lieutenant-Governor-in-Council may establish and confirm the area of boundaries of the city. So what you have is potentially the minister, the cabinet of the day determining where the boundaries are going to go. Clearly the government does not want to see itself involved in drawing boundaries and separating neighbours from neighbours and streets from streets.

I mean, that is the whole philosophy behind Unicity in the first place, was to establish a system where you would have some sort of equalization of services and equalization of taxes so that you would not have a multitiered city, so that you would not have the "haves" and the "have nots" in perpetuity, that somewhere along the line many years from now you would have a system, a society that was more equitable, where the people in Transcona would have the same services as the people in St. James and that they would pay the same relative tax rates. That is the whole reason why the Unicity act was brought in in the first place. It was viewed as a model across North America, a new model, a new system whereby people could get rid of inequities and have a more efficient method of city government.

What you have now developing is a regression. You have a clear regression when you have bits and pieces of the city separating away because of perceptions that somehow either taxes will be lower or services will be better if they proceed on a different track and have a different form of government. I guess what we are pointing out is that the government has to understand that by acceding to the one municipality, the one jurisdiction, then where does it stop.

By bringing in this Bill 45, we see it as opening potentially the floodgates here whereby a second municipality will decide that its interests are better expressed by going on its own, because it is either going to offer its people lower taxes or it has alternatively a higher level of taxation, the higher level of services like Tuxedo and where it wants to separate to offer its residents some sort of exclusivity. We are saying that Unicity was brought about to eliminate those disparities. Right. So why would we want to roll back the clock? It is consistent. That approach is consistent coming from people like the member for Northern Affairs.

When I see this kind of action coming out of this government, it is totally consistent with this government's philosophy, with philosophy of Conservatives in general. It does not surprise me. I just asked, why would they want to do this? Why would they want to roll back funds? We are saying, think about this a little bit. Do not just jump forward and say, well, we have to worry about maintaining control, political control in the city, because it is dissipating, it is slipping away. We can see the end of our control here at City Hall, so we have to do several things. If we cannot have it all, then let us break it up. Let us take a hammer to it and break it apart and maybe it will come up in a form that is more palatable to us. Maybe the system will be more amenable to us if we can break it up a bit.

That is part of their approach, and the other part of their approach is to alter the method and the way of electing city councillors and so on, to allow their friends at City Hall to keep whatever grasp they have on City Council, and they are all part of this thing.

We have former members of the gang sitting in this House right now, the reconstituted gang, I guess. They are very much alive in this House. The City Council historically has been a breeding ground for young emerging Conservatives. Over the years, they have had their Conservatives groomed at City Hall and they bring them up and let them sit here in the Legislature to vote for the development policies. It is basically a junior league, the farm team.

They understand hockey over there. Now in the absence of a hockey season they can relate, I am sure, to this kind of analogy that the City Hall is a farm team for the Tory Party. When they graduate, the good players at the farm team, the more compliant players at City Hall, get the nod and approval and move up into the bigger leagues. This

is viewed as the bigger leagues of the Tory—those who get tired here move up to the federal leagues and join the federal Tories, although there is not much of a future for federal Tories at the present time, so they are looking at their other horse in the race, the spotted horse, the Reform Party, which is nothing more than a bunch of Conservatives under another name.

Madam Deputy Speaker, now that I have them all riled up again and I am anticipating another interjection, I think I perhaps should ask you how much time I have left.

Madam Deputy Speaker: You have six minutes remaining.

Mr. Maloway: Thank you, Madam Deputy Speaker, I have another six minutes to speak on this bill and I think that I will try to do my best to cram all of my comments that I have been working on for some time into the next six minutes, because I have pages and pages and pages here of comments that I had wanted to make. I am finding it is hard to get all of these comments into my comments on this bill.

I can assure you this, that if I do not get them all in today, I am sure that I can arrange to make the rest of the comments at Third Reading when this bill comes up again, and I am sure that this government will have to bring in other sorts of semirelated bills where we can continue with these comments because this government never seems to get things right.

* (1620)

We have a situation where the minister brought in—just one year ago, the Minister of Consumer and Corporate Affairs (Ms. McIntosh), brought in a Business Practices Act and gets back here two months later with two amendments, amendments that are requiring the sharing of information with the police. I would have thought that would have been pretty obvious in the first bill. So that is another indication of the lack of planning of these so-called experts here, the natural governing party. This is an example of their planning that I—you know, I worry about anything that this government does.

The bill itself, we have said time and again, is something that this government must take a second look at and reconsider before it goes too far. I would have thought that the government, if they were concerned specifically about Headingley, would have brought in a bill that was more restrictive, that addressed in particular what they were concerned

about regarding Headingley and not been so broad in its approach as this one is.

I would hate to impute motives here, although I am sure I have in the past at various times, at least others have seen that across the way, but I would not want to suggest that somehow the government has ulterior motives here or other plans in mind.

I would think that if it is honest and true to what it says it is bringing the bill in for, if it is bringing in the bill to deal with the Headingley situation, then we think it should be amended, we think that it should be dealt with in a more particular way to the Headingley situation and with that in mind, our critic has prepared amendments that we would be certainly prepared to propose, I believe, at the time when the amendments will be dealt with at the committee.

We have some time to go on Bill 45 before we get to that committee stage. We have a large number of speakers that have yet to speak on this important bill, and we intend to make our views known again and again until this government—because, you know, having had some experience with governments over the years, I know that oftentimes they will compromise, they will change their mind. When they are hammered over the head a few times, they begin sometimes to see the light and to recognize that in fact there may be elements to an action that they wish to take that may not in fact be in their interests either. That is what we are hoping to get them to understand before they get too far down the road.

I must say that sometimes a good opposition strategy would be to let the government bring in its bills, let it bring in its bills, let it do whatever it pleases knowing full well that it is going to get into trouble as a result of it and that it will pay dearly for those mistakes. So it is the role, Madam Deputy Speaker, of the opposition to point out to the government where it thinks there are mistakes being made so that government will correct its ways and not make those errors. That fundamentally is a role of an opposition party, and that is what we are trying to do.

We should, from a political point of view, simply let them do what they want and give them enough rope and they will hang themselves a lot sooner. I know that is in the cards. That is something that will be done. This government is on its last legs. It will be gone from the Manitoba scene none too soon, in

the next two years, and we would want to help that process out. So why am I standing here trying to give them some good advice and trying to help them to live longer? I should not be doing this. I should quit while I am ahead and not give them any advice. Nevertheless, I am making an attempt here to bring some sense to the government and put these comments on the record.

Madam Deputy Speaker, I believe that my time is up, my little light is flashing here. I will continue my comments on third reading on this bill, and I am sure the members will be equally as attentive then as they are right now.

Thank you, Madam Deputy Speaker.

Mr. Gregory Dewar (Selkirk): Madam Deputy Speaker, the member for Elmwood (Mr. Maloway) presents me with a very daunting task, which of course is to live up to his fine speech he just presented to the House here this afternoon.

I am pleased to be able to rise today to speak on Bill 45, The City of Winnipeg Amendment, Municipal Amendment and Consequential Amendments Act. The bill comes forward to this Chamber, to this House, for debate today as a result of events in the Headingley area culminating in a referendum held in Headingley last November 14. Residents in the Headingley area were asked: Do you want the area described above as Headingley to form a separate rural municipality? Approximately 83 percent of the eligible voters in Headingley cast their ballots, and 86.7 percent of those voters supported the creation of the Rural Municipality of Headingley. The vote of course was very decisive.

What about using a referendum to determine these types of issues? The Minister of Urban Affairs (Mr. Ernst) was at the meeting on election night, referendum night, and he was applauding the vote—

Mr. Doug Martindale (Burrows): He was the cheerleader I think.

Mr. Dewar: As the member for Burrows says, he was a cheerleader, and he actually permitted a referendum to happen, to occur, before there was even a provision in the act allowing this, like the cart before the horse sort of a strategy—

Mr. Maloway: He wants to become a rural MLA.

Mr. Dewar: For some reason, yes, I guess he wants to become a rural MLA, as the member for Elmwood states. Maybe he wants to become the

Minister of Rural Development, or the Minister of Agriculture perhaps, Minister of Natural Resources. We may need a new Minister of Natural Resources. Last summer he jumped in the Red River there, and he spent a little too long in the Red I think. We wish no harmful effects upon any of the members opposite.

They had a referendum, and now they are bringing forward a bill to this House requesting permission to allow it to happen, after the fact of course. While the Minister of Urban Affairs (Mr. Ernst) is comfortable using referendums to break up the city of Winnipeg, what does his Leader think of referendums?

I have a quote here he made to the media dealing with a resolution passed by the Morris constituency dealing with I guess the national referendum. He states: Well, we do not believe that referendums are a way to solve the political challenges that we have to make as a government. We have to take into account both sides of every issue, and we have to make decisions that elected officials have to make. We were elected to make decisions. We, the people of the Conservative Party, were elected to make decisions, and we will make those decisions, and that is why we will support the referendum proposed by the member from Morris constituency of the Conservative Party.

As the Premier (Mr. Filmon) stated, we were elected to make decisions—[interjection]

Madam Deputy Speaker: Order, please.

Mr. Dewar: Thank you, Madam Deputy Speaker. While, Bill 45—[interjection] It is a quote. You would not want me to just misquote your Leader now, would you? I am certain you would like his words to be placed.

An Honourable Member: Who said this now?

Mr. Dewar: The Premier in direct contradiction to the Minister of Urban Affairs. The members opposite are concerned that I misquote the Premier; certainly that is why I read it so I would not.

While Bill 45 is a very broad-ranging bill, referendum bill in fact, it allows the cabinet, or gives the cabinet the right to allow other areas of the city of Winnipeg the chance to hold votes about whether or not they wish to remain part of the city of Winnipeg. It really has no redeeming qualities. It was a bill drawn up in haste. It was a knee-jerk reaction to a problem faced, created I suppose, by

Headingley. It should only have dealt with the area of Headingley and not be so wide-ranging as it is.

If this bill is passed, it would give the minister the power to adjust Winnipeg boundaries by regulation. It says here: "Lieutenant Governor in Council may by regulation"—this is from the bill—"establish or confirm the areas of boundaries of the city; and alter the areas and boundaries of the city;"

* (1630)

So a Lieutenant-Governor-in-Council may refer the matter to the Municipal Board for consideration. It gives the minister very, very strong powers.

"Referendum of electors. The minister may submit the question as to whether the inhabitants of the locality of the city should be incorporated as a town, village or rural municipality or as to whether a part of the city should be transferred to an adjoining municipality to a referendum of the electors of the locality or part of the city." The minister can determine who will vote and who cannot.

Again in the next "Procedure for referendum. The minister may make such determinations and do such things as he or she considers necessary to submit the question referred to . . . to a referendum, including, without limiting the generality of the foregoing, determining who is qualified to be an elector;" The minister makes a decision about who gets to vote—

Point of Order

Mr. Marcel Laurendeau (St. Norbert): Madam Deputy Speaker, on a point of order, I do believe that we are not supposed to refer directly to any clauses within a certain bill.

Madam Deputy Speaker: It indeed is a point of order. It should not be making explicit reference to a specific section.

* * *

Mr. Dewar: I would like to thank the member for St. Norbert for bringing that to my attention. As I said, the minister can determine who will vote and he can determine who cannot vote. It is really just too much power vested in one member of the cabinet.

Last year we had the Minister of Natural Resources (Mr. Enns) involved in a bit of a power grab when he—I guess it was one of the Natural Resources bills that deals with Ducks Unlimited. I believe the member for Interlake (Mr. Clif Evans) quite accurately called him King Harry. Well, now if

this bill passes, we will have King James as well, and so we have King Harry and King James. We have quite a little royal family of the members opposite. The minister must take this bill back, and he must withdraw it and have his officials rewrite it.

It was obviously drawn up in haste, and I believe all members on this side of the House have been asking for the minister to withdraw this and bring in legislation dealing specifically with the Headingley situation. That is why it must be withdrawn—not a bill which will allow other areas of the city of Winnipeg to vote themselves out of Unicity and to form their own municipalities. This would of course mean the end of Unicity—[interjection] The member for St. Norbert (Mr. Laurendeau) applauds the end of Unicity.

One of the reasons Unicity was set up was the more affluent, wealthier areas of the city of Winnipeg would help support the more economically depressed areas, basically the downtown areas, the core area, other areas of the city which are economically depressed. The principle would be a more equitable distribution of the wealth, and of course the members opposite disagree philosophically with that notion.

I know my colleagues who represent these areas, the member for Burrows (Mr. Martindale) perhaps, the member for Point Douglas (Mr. Hickes) and Wolseley (Ms. Friesen), Wellington (Ms. Barrett), St. Johns (Ms. Wasylycia-Leis), would agree, because they have stood up in the House many times and they spoke about the unique and serious problems facing these areas, businesses closing, houses abandoned and decaying, violence and other social problems associated with urban neglect, drug abuse and prostitution, again the member for Point Douglas (Mr. Hickes) raised some issues today about drug abuse within his constituency. I raised the question with the Minister of Health (Mr. Orchard) about the antisniff legislation, which we feel would, of course, address some of these very serious problems.

Another problem with this bill is, if the minister writes the questions for any future referendum, the minister can put forward a question such as: Should Tuxedo be allowed to separate and take with it its high property tax base? Who would have to bear the brunt of Tuxedo, Charleswood or the more affluent areas of the city leaving? Of course, it would be the rest of the city of Winnipeg. It would

be the downtown area and the area that is already suffering with benign neglect.

What about the effects on services provided by the City of Winnipeg? What would be the impact on the educational services? We already know that they are under strain. Ambulances and policing—what would happen to all these different services, health care and social assistance. We had the Minister of Family Services (Mr. Gilleshammer) today stand up and say, we gave 8 percent more to welfare in this province.

What he is doing of course is, he is patting himself on the back for the number of individuals who are on social assistance. He is proud of the fact that they have more people on social assistance. It is terrible. In my particular constituency they are closing a training plant which deals specifically with this issue of individuals on social assistance.

We have libraries and the general maintenance of the city. We know that would happen because of the unique climate that we face here in Manitoba. We have a high maintenance budget for the city. We have to clean our streets in the winter, then we have to clean the effects of winter, which they are doing now. I believe the budget was about \$3 million to \$4 million just to clean away the salt and the sand. All these services would be eroded and of course the problem with the salt is that it gets shifted into the Red River and unfortunately a lot of it ends up in Selkirk.

Where would the commitment be to the cleaning up of the Red, for instance, very important to the residents of Selkirk. Huge costs are necessary to upgrade the sewers in the city so that the raw sewage will not be dumped into the Red, which flows past Selkirk, and Selkirk residents, as everyone knows, are forced to drink the water extracted from the Red.

Last summer one of the wells broke down and the town was forced to extract water from the Red. Thirty-five percent of our water came from the Red. It was treated and was declared safe but unfortunately this does not convince Selkirk residents. One of the programs of course is that they could disinfect—where would their commitment be to replacing the sewers? Where would their commitment be to the disinfection program? It is estimated now at about \$8 million plus annual operating costs would help turn around the sad state of the Red as we find it now as it flows

through Winnipeg and travels on through smaller communities. It is not only affecting Selkirk, by the way, it is affecting several members opposite's constituencies—Springfield, Lac du Bonnet, Gimli.

(Mr. Speaker in the Chair)

It is an issue that always is very important to members from Selkirk, of course, because we as a community are forced to drink water extracted from it. As the river flows through Selkirk, bacterial counts are often 10 times above the provincial water quality objectives which marked the accepted levels in which activities such as water skiing or swimming can take place without potential health hazards.

When the Minister of Natural Resources (Mr. Enns) jumped in the Red River last year, he was seriously taking a risk with his health. There was a biology professor from the University of Winnipeg who warned him not to do this, but he must have really pumped himself up with antibiotics before he took the dip. He went in and splashed around a little ways and he came back out. It was quite the sight. He found himself on national T.V., maybe that was the motive. I do not quite understand the motive behind it.

An Honourable Member: He swallowed some water

Mr. Dewar: They say even touching the water is dangerous. Where would the city's commitment be to cleaning up the Red River if they would not have the financial resources? A consultant's report prepared for the city states that the province's water quality objectives are currently exceeded most of the time between Winnipeg and Selkirk. Discharge from the city's North End Water Pollution Control Centre generally is the dominant contribution to fecal coliform concentrates.

* (1640)

Disinfecting the sewage discharge reduced almost a dozen cases of gastrointestinal illnesses every year among water skiers and swimmers from Winnipeg to Selkirk, a dozen cases of individuals just simply coming in contact with the water, with the Red River. Adding to the river's problems are the overflows about 30 times every year of the city's combined waste in the storm sewers. Unfortunately, disinfecting Winnipeg's effluent will not lower the counts, but at least it is a step in the right direction.

Of course, the main issue here is the complete infrastructure of repairs, upgrading of the city of

Winnipeg, and that has been estimated between \$700 towards of a billion dollars. It was an issue, of course. It is an undertaking that the city cannot take on alone. It is an issue that requires provincial funds and federal funds, but it is also an issue that I think the city will have to address. How will they be able to do that if affluent areas of the city leave, erodes the tax base, there would be no commitment from the City Council to make any efforts to these infrastructure changes.

As I said, if the city's tax base is eroded, there will be no money, no commitment to deal with the serious issues affecting Selkirk. So it is not only the city of Winnipeg that will be affected, but other areas of the province as well. I urge this minister to rewrite this bill and bring back a bill that deals only with the problem at hand and that is, of course, of Headingley.

If this bill is passed, it could negatively affect the chances of Red River cleanup, because any action towards cleanup will require financial commitments from the City of Winnipeg, a financial commitment that would be seriously eroded if this bill is passed and other areas of the city, if affluent areas of the city of Winnipeg are allowed to leave, such as Tuxedo, Charleswood, St. Norbert, St. Germain, Transcona—this is one of the points that I wanted to talk about this bill, how it would negatively affect my personal constituency. Another problem of this bill is it does not deal with the issue or the plan of urban sprawl outside the city of Winnipeg. Part of my constituency, the Rural Municipality of West St. Paul, lies within the Perimeter Highway. We need a provincial-wide planning policy on issues related to the areas that are adjacent to the city of Winnipeg. There is no plan to deal with these issues.

Last night I attended a meeting in West St. Paul where they are dealing with the proposed expansion of No. 9 Highway from West St. Paul, from the Perimeter to the Little Britain area.

There were a number of concerns raised by individuals there because the highway would have to be expanded and upgraded. They are going to put a divider down the road to make it safer, and there was no plan. If anybody was to drive between the Perimeter and Selkirk, you would see basically one continuous urban setting with no allotment made to expand laterally on the No. 9 Highway.

Now when they have to do it, the road is both unsafe and is in disrepair. They find themselves

meeting a bit of opposition from those individuals who moved out there to move away from what they consider to be the high tax base of the city and decide to move into the fine municipality of West St. Paul and to the municipality of St. Andrews.

But now, as many individuals reported last night, they are upset about frontage being taken away. They are upset about the proposed plan and how it is going to affect their families. Instead of making the issue before, now we find people actually are fronting right on the highway. They are going to lose their homes because the government will have to expropriate the land, because they cannot come to an agreement between the individuals affecting this particular area.

That happened just last night, and there was no plan, it causes problems to individuals living adjacent to this particular highway expansion. Individuals moved into West St. Paul and the St. Andrews area because they felt that the city's taxes were too high. It is really the growth area of the southern part of the constituency.

One ward of St. Andrews which is in the southern part of the whole municipality of St. Andrews—the municipality of St. Andrews covers the area from approximately Winnipeg Beach right down to the Perimeter Highway, or just north of the Perimeter Highway actually.

One ward, which is the ward of St. Andrews, I was talking with the reeve of St. Andrews, and he was telling me that in the particular ward where he lives now pays 50 percent of all the taxes that the R.M. collects. He says, there are five or six wards, and this one particular ward pays 50 percent of all the taxes. Half the taxes are collected from this one out of the six wards.

It demonstrates the recent urban sprawl in the areas that are adjacent to the city of Winnipeg. This is one of the reasons, of course, that Headingley wanted to leave the city of Winnipeg. They felt that they were paying taxes at city levels, but they were not getting the city services. Headingley, of course, was a unique part of Winnipeg, and one of the ironies is that at one time it required a long distance phone call if someone from Winnipeg wanted to contact someone in Headingley, and a long distance phone call if someone in Headingley wanted to contact someone within Winnipeg.

Now they did away with that recently, an inequitable kind of a situation, and I guess that may

be the reason why MTS profits were down so much in the last quarter of last year. Anyways, it was long distance, even though it was adjacent to the city, part of Unicity.

I had a similar situation in my constituency where West St. Paul is adjacent to the city of Winnipeg and they have long distance access as does St. Andrews, quite a few areas in St. Andrews, but Unicity did not. If you wanted to make to phone call, it would be a long distance call from basically across the street.

People seemed to work under the assumption that the Perimeter is the boundary of the city of Winnipeg, but, as I stated earlier, my constituency has sections that are actually south of the city, south of the Perimeter, I should say.

Anyways, the residents of Headingley held a referendum, and they voted. They voted in a democratically sanctioned election to leave the city and to form their own rural municipality. Now, of course, the government must act on the result. As the member for Elmwood (Mr. Maloway) was stating, maybe we should grant them special status or something to get them to come back, but it is a little too late now. It is a bit too late now, unfortunately. No one can ignore what has happened in the Headingley situation. We cannot say, gee, you know, we just wanted to find out what you guys thought about this issue. We just wanted to test the proverbial waters. But, unfortunately, no, you cannot.

Now they had the referendum; they had the vote. As I said, 86.7 percent of them voted in favour of forming their own municipality, so now the minister must react.

It was the Minister of Urban Affairs (Mr. Ernst) who was there applauding what Headingley did. So what does he do? He has to make a reaction; he has to do something. So he brings in Bill 45, which is meant to solve the problems, but, unfortunately, as we stated, it is going to cause many, many more. We accept, we accept the wishes of Headingley residents. You cannot turn back the pages of history.

In this state, there is no going back, but even though we accept Headingley's right to self-determination, we do not accept the government's response to it. We feel that all boundary changes must come to the Legislature. Winnipeg and its future is just too important to this

province. Over half, well, I guess about 65 percent of the province's population lies within the boundaries of the city of Winnipeg. We in Selkirk are close to the city of Winnipeg. It is like sleeping with an elephant. Why anybody would ever want to sleep with an elephant though is kind of a strange question.

It is just far too important to have its future decided by one member of the cabinet, and this bill would allow just that. This bill gives the minister the power to determine the final decision of the assets of breakaway rural municipalities. He decides who gets what. I would just like to—as the member for Elmwood (Mr. Maloway) is saying, he is like a marriage counsellor deciding you get this section and you get this over here, this goes to this person and that one goes to that individual. So do they want to place themselves in that position? Well, obviously, they appear that they want to.

* (1650)

The minister appoints the Municipal Board which makes the recommendation back to the minister. So, in effect, he makes the decision of what are the assets of the breakaway R.M.s. We see the problem now where the Rural Municipality of Headingley wants certain assets and the City of Winnipeg is reluctant to abandon these very profitable and, I suppose, important assets to the city. This gives the minister just far too much power.

Consequently, he has the power to determine the division of the assets. There must be a settlement, we feel, that is negotiated, and that assessment must be more independent. If the minister wanted to deal with Headingley, he would be dealing with a very narrow issue. But we are not. We are dealing instead with a very broad set of powers which is taken from the Legislature, from this House, and given to the cabinet, to the minister himself.

The Cherniack report dealt with this issue, and I would like to review some of the recommendations and issues raised by this report. One of the recommendations is No. 41, Adjustments to the Boundaries of the City: "The Review Committee recommends that the Act establish principles or guidelines to be used in making boundary adjustments between the City and adjacent rural municipalities. This section should specifically oblige the Province to make boundary adjustments as required to ensure future maintenance of an urban development standard within the City's

boundaries and a rural standard and lifestyle outside the City's boundaries.

"The Committee suggests the following general guidelines:

"1. Lands relatively contiguous to the City's boundaries that an elected Council or a rural municipality has designated for development or approved for development to a suburban standard, typical of suburbs within the city, should be incorporated within the city's boundaries.

"2. Lands that rural municipalities designate and/or approve for development for rural residential purposes (below the standards typically found in the City's suburbs), agricultural use or other 'rural' purposes, outside of their established towns . . . should be retained within their jurisdiction.

"3. Where the City declares its long-term intention not to use lands within the City's boundaries for development to a typical . . . suburban standard, or for other uses and purposes important to the city, those lands should be considered for exclusion from the City's jurisdiction."

They go on to specifically recommend modifications to deal with, say, here is the Headingley area:

"The Committee is not in a position to provide a specific description of the western boundary at this time. One idea which has received considerable support during the consultation process is that the City's western boundary should be drawn in to remove the Headingley area from the City of Winnipeg. North of the Assiniboine River, the boundary could be approximately two kilometres west of the Perimeter Highway. South of the river, the boundary could be the Perimeter Highway. We recommend, however, that an immediate study of the alternatives for precise boundaries and for Headingley's future municipal status be undertaken and concluded within twelve months."

So they made some recommendations back in '86.

"During this period, a Basic Planning Statement or Development Plan should be prepared for the area. One of the main objectives of this plan should be to establish policies . . . to safeguard Headingley's future as a predominantly rural environment adjacent to the City. Headingley's residents must be given the opportunity to participate fully in this process and in the decisions that may be taken as a result."

Well, obviously, their participation in the process was to hold a referendum to leave Unicity, forcing, of course, we unfortunately feel, the potential for the ending of Unicity. The R.M. of West St. Paul, which is very important to myself, states:

"While no significant change in this boundary is suggested at the present time, serious consideration should be given to moving the boundary east of Main Street north to the Perimeter Highway.

"In addition, a relatively minor 'housekeeping' boundary change should also be considered. This involves the only parcel of land within the City boundaries north of the Perimeter Highway, a small area which should be transferred to West St. Paul."

Further discussion on this particular issue:

"The City has stated its clear intention not to provide, for the foreseeable future, water and sewer services beyond the Perimeter Highway into Headingley. City officials have also expressed support for severing the Headingley area from the City.

"Some residents of the area, for their part, claim to pay city-level realty taxes without getting adequate city-level services, such as roads, transit, and protection. The Committee has not had the opportunity to determine the validity of these allegations."

As I was stating earlier, that is, of course, the crux of the whole argument, that these areas felt they were not getting the services. Although they were paying city taxes, they were not going to be getting city services. So, say, take an area like West St. Paul, where they moved out and they are in an area that is considerably expanded over the last few years. They are paying less taxes, but of course they are receiving less benefits. They have to get their well water, they are not connected into the Winnipeg system. They have to have septic fields as compared to be connected into the city and we have some problems in the West St. Paul area and perhaps within the Headingley area of the contamination of the Bristol spill. You may see in the future all these areas adjacent to the city, areas north and northwest, maybe in the future asking the city to provide them with a different source of water because of the fact that the whole aquifer in that area now is polluted by the contaminating by irresponsible actions of a large corporation near Stony Mountain.

It is unfortunate now that the residents in Stony Mountain, the residents in West St. Paul, the residents perhaps in the R.M. of Headingley may be faced with this problem of having to provide water that is going to be piped in, and at a huge, huge cost to the residents, or I suppose the government will be responsible along with maybe the culprit in this particular situation to come up with the funds to pay for such a huge undertaking.

Anyway, as I was stating—I will continue back with the report here: "As the Committee did not have the opportunity to hear from many of the residents of the Headingley area, we urge their involvement in discussions about the area's future."

Well, I guess the question is, what exactly was their involvement in these discussions? The answer, of course, to that was their own determination to have a referendum. I suppose we have to accept the results. Obviously, we cannot go back.

Again, I will quote from the Cherniack report. "From our perspective, however, we perceive the area as a predominantly rural area without the status of a rural municipality. It would appear beneficial, therefore, to permit the area to pursue its rural and agricultural future as either a separate municipality or as part of an existing rural municipality. As an important asset in the Winnipeg region, rural Headingley should be given the opportunity to govern itself within the role that apparently all parties wish it to play.

"We consider the area north of the Assiniboine River just west of the Perimeter, a band of approximately two kilometres in depth, to be of urban importance. We thus recommend that this area, which includes Assiniboia Downs, be retained within the City's boundaries."

Mr. Speaker: Order, please. When this matter is again before the House, the honourable member for Selkirk (Mr. Dewar) will have 5 minutes remaining. As previously agreed, this matter will also remain standing in the name of the honourable member for Wolseley (Ms. Friesen).

The hour being 5 p.m., it is time for private member's hour.

* (1700)

PRIVATE MEMBERS' BUSINESS

ORDERS FOR RETURN, ADDRESSES FOR PAPERS REFERRED FOR DEBATE

Mr. Speaker: On the motion by the honourable member for St. Johns (Ms. Wasylycia-Leis), standing in the name of the honourable member for Sturgeon Creek (Mr. McAlpine), who has 12 minutes remaining.

Mr. Gerry McAlpine (Sturgeon Creek): I am pleased to continue speaking on this bill. I was speaking in regard to the City of Winnipeg, introduction of the by-law that they had implemented back in 1979. Basically the by-law was to restrict the sale of sniff products to minors, and it was repealed within a year from the time the bill was implemented or introduced. It reflects the same as this particular bill and reads very familiar similar to this failed by-law.

In addition to this, Mr. Speaker, the Province of Alberta has had similar legislation on the books for five years. However, it has not been used by either public health officials or the police.

I think that we have to really look closely at this. I think it has been mentioned before by other members and especially by our Attorney General (Mr. McCrae) when he raised the issue when this bill was brought forward that certainly he was supportive of the intent of the bill but that we were going to have to look very seriously at how it was going to be able to be implemented.

I think that is a message that we should take very seriously. I think that the opposition, the members across, have failed to do that in looking at this. They are not looking at it holistically. There is something they feel that can be brought forward by legislation, that just because legislation is there, people are going to look and follow whatever the government decides they are going to do.

I think we have to examine why these people are there. The member for Concordia (Mr. Doer) speaks from his seat that we voted for it. I was elected to this Legislature in 1990, and certainly I did not have anything to do with that, and I can see why the opposition can stand there and say that the government of the day voted for it.

I do not know what the circumstances were at that particular time, but I would not have voted for this. It is not a strong bill, it is not an effective bill, and it is not going to do what it is supposed to do.

The intent is good. We have a problem in society today, but it is not going to be dealt with through legislation that is brought through this bill.

I think we have to examine—you know, like, why are people in this state? Why do people sniff? Why do they get to this? As far as I am concerned, and the experience we have seen in travelling this province and talking to people who have had direct contact with these people, it is not just a matter of legislating against these people.

What are they going to do as far as the limiting of the sale of gasoline, as an example, or the limiting of the sale of nail polish or hair sprays? The people, if they are going to sniff, it does not matter. They are going to continue to do it regardless of what legislation you bring in.

I think that government has to look at this in a holistic way and one that is going to be effective, not one that is going to approach this issue with a band-aid approach and to say that we are trying to do something.

Frankly, this is what this bill is doing. As a matter of fact, I mentioned this to the member for St. Johns (Ms. Wasylycia-Leis) when she came out to one of our meetings in St. James. She was lamenting that the government had not brought this forward. I think that she has to realize that—and she offered really no strong objections to the fact that this is not implementable.

If we are going to have to remove solvents and sniff products from shelves, I do not understand how anybody in their right mind could expect that this could be done, in terms of Canadian Tire stores or drug stores or even in markets, Safeways and places like that. These young people, if they have to have it, they are going to be using sniff as a means of dealing with problems. There is no way that legislation that is imposed on them is going to achieve that goal and to solve the issue. We have to deal with this in a holistic way and deal with the problem, address the problem, not trying to bring legislation that is going to offer some benefit through that legislation.

I think it is important that we understand why these people are there. They are having difficulty. They have gone into their state of avoidance. A state of avoidance is one where they have not met their challenges. I think that until such time as this is exercised, and given the opportunity to deal with their challenges and to create growth among these

people and be satisfied and content, this is an opportunity that we should be looking at, not passing legislation that is going to incur great cost to the taxpayer, great burdens on the police departments or the health departments that are going to have to implement this.

I think the interest on this side of the House is to find a way to stop the abuse. I think that is first and foremost, instead of looking at the legislation. The questions that should be carried out by the public health inspector or peace officer are onerous. The duty and responsibility that is imposed on merchants that will have to take the responsibility for a person who gives or sells or delivers possession to a person under 18, shall keep a written consent for a period of up to six months and to make this available for inspection by a public health inspector. This does not make a lot of sense.

It is understandable that these people across the way there, they do not understand business. The responsibility that they want to put on small business today is unbelievable. They do not understand that these small businesses, not only do they provide a good environment for people to work, they do provide jobs, and that is what makes this economy roll. That is a lot to do with what we have in terms of our recession today.

Their concerns that the term "intoxicating substances" may not be adequately defined, and the term "offer to sell" is unclear. Will this legislation effectively deter people determined to obtain the substances listed? I really do not think so. There is a long list of items that are included, and what people are doing as far as sniffing is concerned is that if they cannot get these they are going to go to something else.

The bill is not clear if automobile gasoline should be considered as a substance, and that is what young people are using for sniffing. Now how are you going to limit people from sniffing gas, gasoline or something of that nature? That is what they are using. Does that mean that a person would have to have consent from a parent if they are 16 years of age or under the age of 18 years to go and buy some gas for their car? They are licensed to drive a car but yet they are not allowed to buy gas according to this bill. This does not make a lot of sense.

There are questions about most teenagers using cosmetics. When they go into drugstores or supermarkets to buy cosmetics, hairspray, or nail

polish remover, removal of these substances from the shelves would be difficult to control. They are putting the onus, through this bill, and the responsibility on the merchant. The bill would be difficult to enforce as it would apply to almost all stores: corner stores, small grocery stores, including lumber yards, building supply stores, stores even selling camping equipment. Therefore even paints, solvents and gases, et cetera, would have to be removed behind the counter.

An Honourable Member: Merchants are going to have to have very big basements.

* (1710)

Mr. McAlpine: Well, I think either that or they are going to have lots of people there to police the store so that these young people are not going to have access to it. The point is, that if they limit and remove these things from the shelves, they are going to use something else. I think that we have to look at it holistically so that people can deal with their problems in a holistic way, rather than just removing and trying to deal with this through legislation.

Immediate proclamation of the bill would only result in the same scenario as Alberta, the same scenario as the city of Winnipeg. We would be repealing this law to bring in something else, because it is going to be too onerous on those people who are going to have to deal with it. Unfortunately there are not enough people across the way there that have had the experience to be able to make those decisions and to judge them fairly. The sponsor of this legislation should agree that the question of definition and enforceability should be resolved first to avoid potential challenge in the courts. When we consider the challenges that could be imposed on us through the courts, that is something I think we should certainly try to avoid with the situation with our court system and the back up of our court legal system today.

Mr. Speaker, I think that we have to look at addressing this issue. Everybody on this side of the House really is concerned with the welfare of these people, people who have lost their way for whatever reason. I think it is a serious enough issue that it warrants a lot of consideration, but it is going to take a lot more consideration than this bill is offering.

So with those remarks, Mr. Speaker, I speak very strongly against the bill and would ask that we not consider passing it.

Thank you very much.

Mr. Gary Doer (Leader of the Opposition): Mr. Speaker, it is a pleasure to speak on the resolution before us today dealing with a copy of the formal opinion requested from the Department of Justice by the Health department.

I cannot believe, first of all, that we even have to put this resolution on the floor. Secondly, I cannot believe the speeches that have been written for members of the Conservative Party that were just provided in this House. We heard the member opposite, who was not here prior to 1990, who said that and stated that. We heard him say that we do not need the legislation. Yet his members of his cabinet sitting in front of him—there are members sitting right in front of us right now who were at the committee and voted for the bill. The Minister of Health (Mr. Orchard), the Minister of Transportation (Mr. Driedger) voted for the bill and were at committee.

Hon. Donald Orchard (Minister of Health): No, you are wrong. I did not vote for the bill.

Mr. Doer: Well, he doth protesteth too much. The Minister of Health did not want the bill to be passed, is that what he said?

Point of Order

Mr. Orchard: Mr. Speaker, on a point of order, at the time this legislation was voted on I was at home recuperating from my accident. I want the record to show that the member for Concordia (Mr. Doer) did not put accurate information on the record—

Mr. Speaker: Order, please. The honourable Minister of Health did not have a point of order. It is clearly a dispute over the facts.

* * *

Mr. Doer: I will withdraw the comment about the member voting for the bill, but I know that the Minister of Health will not allow any bill to pass, a Health bill to pass, without his approval. We certainly saw that last year in dealing with other bills, the Grace Hospital bill to be one of them, Mr. Speaker.

Mr. Speaker, if the minister has me on a technicality, I apologize, but he knows that the government of the day, in which he is a cabinet member, supported this bill on second reading. He knows the government of the day, at the committee stage, moved amendments that they thought would improve the bill. He knows the government of the

day heard the presentations at second reading, because I was there along with members opposite. He knows the government of the day voted for the bill at second reading, at committee stage. He knows the government of the day, the majority of whom are still in the Chamber today, voted for the bill at third reading, hence the major contradiction between the member who just spoke and the facts in terms of the substance abuse bill that was passed by this House, in fact unanimously by this House, prior to the 1990 election.

I was not aware that the minister of Health (Mr. Orchard) was in conflict with his cabinet colleagues and his caucus colleagues. I cannot tell when the Minister of Health is in conflict with his cabinet colleagues and his caucus colleagues. We do not know when the Minister of Health is acting as an individual separate agent and when he is acting as a minister of the Crown, but we do know that the government of the day did support this bill.

I know the Minister of Highways and Transportation (Mr. Driedger) was at that committee, because I remember him debating along with us other private members' bills including the bill dealing with the handicapped parking. I know the Minister of Transportation was there and was debating quite eloquently his concerns at that committee. I will pull out the voting and procedures in terms of other members, but it is obvious that the Minister of Health was part of a government that did support this bill.

So if the arguments being made by the member for Sturgeon Creek (Mr. McAlpine) were correct, obviously the government two years ago would not have voted for the bill or supported the bill. If the arguments he is making about the requirement that substance abuse does not require legislation, then the government would have made that point at the committee or at second reading, or in fact they would do as they did with many private members' bills, they would not even let it see the light of day at second reading. They would have filibustered it and filibustered it and filibustered it. They did see the importance of this bill; they did see the need for this bill; and they did support this bill with amendments at committee.

An Honourable Member: It was his presence that enlightened us.

Mr. Doer: Mr. Speaker, I would ask the members opposite in terms of enlightening us—I recall being

before the committee as a member of this Legislature listening to the public presentations on the sniff bill, and I remember the city of Winnipeg police members coming before that committee and urging members of this Legislature to pass this bill. I remember street workers that are working with substance abuse coming before this committee and urging us to pass this bill. I remember social workers that worked with kids on the streets asking us to pass this bill.

Mr. Speaker, no one ever pretended at the committee stage that this bill would be the easiest bill to implement, but we all agreed, all three parties and all members of society who came before the Legislature, we all agreed collectively that we collectively had to do something about this and this bill represented and this legislation represented a few more tools in the hands of street workers and social workers and police officers in dealing with substance abuse.

It is not the solution to substance abuse. It will not stop all the substance abuse and particularly the reasons for substance abuse, but it will give those people on the streets, our police officers, our street workers and some people, it will give them more tools to go after the abuses of substance abuse and to go after and patrol with some enforcement some of the people in the retail sector who are abusing their retail privileges and abusing our children and our most vulnerable who are unfortunately victims of substance abuse. That is all we are asking for, Mr. Speaker.

We are asking, if the government has a legal opinion to back up what the member just said, then why is the government afraid to make public the formal opinion required by the Minister of Justice (Mr. McCrae) and by the Health Department? What is the cover-up? If the legal opinion verifies the position taken by the Minister of Health and the Minister of Justice and the member who just spoke and the substance abuse committee that had public hearings, if it backs up their position, then they have nothing to fear by making it public. But, if the legal opinion does not back up their position, then they should be proclaiming the bill. That is all the member for St. Johns (Ms. Wasylycia-Leis) is asking for in this resolution, to make public your legal opinion.

Surely, if we have police officers and other street workers saying that they need this bill, it will help them, surely, if it will help them—

Mr. Speaker: Order, please.

* (1720)

Point of Order

Mr. McAlpine: The honourable member for Concordia (Mr. Doer) speaks about the police department, and their coming before this committee. That is not a fact, and I wish he would get his facts straight.

Mr. Speaker: Order, please. The honourable member does not have a point of order. That is clearly a dispute over the facts.

* * *

Mr. Doer: Mr. Speaker, continuing on, on the speech. Now we know why we are having so much difficulty from members across the way. The Minister of Health will not even tell his own caucus what happened at the committee. The Minister of Health will not even tell his own caucus that—[interjection] There is a thing called Hansard.

Mr. Speaker, the Minister of Justice who was at the committee will not tell his members opposite. The Minister of Justice who was at committee, because I have his amendments, will not even tell his members up behind him that the police officers supported this bill at committee. I would refer the member opposite to the Hansard.

There is one great thing about Hansard. It records what people actually said at those public hearings, and it will record for the record that the police officers did present a presentation on March 13, 1990, and supported the bill and stated very clearly, and the person's name was Sergeant Caron.

Well, they make light of this, but it is a very serious issue. Besides the debating points back and forth, I remember being at that committee, and every member of the public said this will not solve all of the problems, but it will give us greater tools to deal with people that are abusing the people that are abusing solvent. It will help the police go in and do some enforcement with retail merchants who were unscrupulously selling this material to kids who are most vulnerable.

Now, what is wrong that? Where is your legal opinion? That is all we are asking for in this resolution.

I would also point out that the Minister of Justice has said time and time again in this House that this is a badly drafted bill. Well, he voted for it. In fact, he even moved some amendments to improve the bill, total contradictions. He did not vote against the bill, he moved three amendments at committee, after the presentations from police officers and other social workers. He moved three amendments to the bill, and then he spoke in favor of the bill, and then he was the government's side in dealing with the presentations of the bill.

He moved three amendments at committee. After the presentations from police officers and other social workers, he moved three amendments to the bill. Then he spoke in favour of the bill, and then he was the government's side in dealing with the presentations of the bill. He moved three amendments on evidence and substance. He moved an amendment on dealing with another section of the bill. Mr. Speaker, that shows the nature of evidence on the substance were all moved by the Minister of Justice (Mr. McCrae) upon the review of the government.

We have a really difficult situation. We have a bill that was passed by all parties and supported by all the line workers in the inner city and other areas of the province dealing with substance abuse. We are then told we have to get greater work on the drafting of the regulations. Fine. We are then told by the government that they have a legal opinion in terms of proclaiming the bill, and then we are told that the bill was badly drafted. Now we are told by the member—it is sort of evolving—the bill was not necessary to begin with.

Let us go back over the statements made by the government. If the government says that they have a legal opinion that supports the position that the Department of Health cannot proclaim this bill, why can the government not produce the legal opinion? This resolution, which really is a resolution for the rights of all members, all private members, because this was a private member bill, basically calls to task the government for producing the legal opinion that they say they have as the justification to say no to the police officers, no to the social workers, no to the street workers, and no to those families that are trying to deal with substance abuse.

Why is the government afraid to table the legal opinion? Why are the Minister of Health (Mr. Orchard) and the Minister of Justice (Mr. McCrae) afraid to provide the justification to deny a private

member's bill from being proclaimed that was passed by this Chamber? Why will they not produce it? Because this is what we are debating here today. We are not even debating the point that the member made. We are not even debating the point about whether we should have had the act or not. We do have the act. It is not proclaimed. We are debating today whether the legal opinion put forward by the Department of Justice to the Health department, whether it should be made public to all private members.

I suggest to members opposite that you will be moving private members' bills as part of a government caucus, perhaps in this session. Perhaps in a future session you will be moving private members' bills as a member of an opposition party, and I know that you hope not. Some day you may in fact find yourself moving resolutions as private members. You may do a lot of work. You may meet with a lot of people. You may get a lot of good advice. You may have the government of the day improving the bill, but with amendments, and then you get a consensus in the Legislature to pass the bill, and sometime later the government says to you, oh, we cannot do that, we have a legal opinion. We have a legal opinion that says we cannot do it. You know, we do not care. Go away, old private member; you do not mean anything to us.

Mr. Speaker, for the sake of all members in this Chamber, this resolution before us on a very important issue of substance abuse, all we are asking for is a legal opinion. Why—[interjection] Well, you know, the Minister of Finance (Mr. Manness)—I hope in his constituency—I hope the Minister of Finance has no substance abuse that he is worried about in his riding. I hope he is correct, but you know, some of us have.

I worked as a volunteer in the Main Street Project years ago, and it is a very serious problem. The police are saying to us, okay, we all agree it is a serious problem. We all agree that the people working on the streets that are the most directly impacted by this issue need more tools to deal with. They said that they needed this legislation. [interjection] Education is another issue, no question about that. It is not an either/or issue. It is a question of all of us working together.

So what we are asking for today is a legal opinion, and what we want is the co-operation that we had together to pass this bill, to proclaim this bill on behalf of the people who are most vulnerable and

most victimized by solvent abuse in our society. That is all we are asking for today. Thank you very much.

Hon. Darren Praznik (Minister of Labour): I move, seconded by the Minister of Natural Resources (Mr. Enns), that debate be adjourned.

Motion agreed to.

SPEAKER'S RULING

Mr. Speaker: I have a ruling for the House.

On February 26, 1992, during private members' hour the acting government House leader, the honourable Minister of Labour (Mr. Praznik) raised a point of order regarding private members' Resolution 4, Reproductive Health. In his submission, the acting government House leader argued that the provision of the law referred to in the resolution was currently being challenged in the court system in Manitoba and stated that debating the resolution would be out of order until the court decision is known. In response, the honourable member for Brandon East (Mr. Evans) argued that the sub judice convention applies only to criminal cases. The matter was taken under advisement by the Chair.

The sub judice convention—not discussing in the Legislature matters which are before the courts—is a voluntary restraint to protect the rights of interested parties before the courts and to maintain the separation and mutual respect between the Legislature and the judiciary. It is not a rule. Madam Speaker Sauvé of the House of Commons in a 1981 ruling noted that the purpose of the sub judice convention is "to avoid any discussion in the House which might have a prejudicial effect on an accused or on the parties to a civil action, since it might influence a jury or witness when they read of it in the newspapers or see it on television."

* (1730)

In the above referenced ruling, Madam Speaker Sauvé also quoted the essence of the convention, as stated in 1844 by Sir Robert Peel, and I quote: "that the right of Parliament, as the highest court in this land to discuss what it will cannot be limited, but that good taste and sense of fair play should in some circumstances limit the exercise of that right."

In reviewing this matter, I have been aware of how complex an issue it is because of the required balance between freedom of speech in the

Legislature and the need for a separate and impartial judiciary. I have consulted the acting law officer of the Legislative Assembly and her associates in reaching my conclusions.

All Manitoba Speakers' ruling on the application of the sub judice convention have been reviewed but were found to be of limited value. The Manitoba Rule and the references in Beauchesne and Erskin May, on which the first five of the eight Manitoba rulings are based, have since been repealed or deleted. Nor has there been any consistent practice established by subsequent rulings. Therefore, guided by our Rule 1(2), I have looked to the usages and customs of the House of Commons of Canada.

There are four criteria which must apply in order for the sub judice convention to apply:

1. Is the matter before the House, in the case of civil matters, the same issue which is before the courts? In the case of criminal matters, is the matter before the House the same issue which is to come before the court?

2. Beauchesne citation 507(1) states that no consistent practice of application of the sub judice convention regarding civil matters has been developed. If the matter involves a criminal issue, the sub judice convention invariably applies.

3. Will a discussion of the matter by legislators be harmful to individuals? Citation 511, based on a ruling of Speaker Bosley, in 1986, states that "The freedom of speech accorded to members . . . is a fundamental right without which they would be hampered in the performance of their duties. The Speaker should interfere with that freedom of speech only in exceptional cases, where it is clear that to do otherwise could be harmful to a specific individuals."

4. Is the matter at the trial stage? Beauchesne citation 507(2) makes the point that the sub judice convention does not apply to civil cases until the trial stage is reached. Speaker Fraser in December 1987 clearly states that "a civil action is not sub judice at least until a trial starts." In a criminal action the convention applies as soon as charges have been laid.

In the case of Private Members' Resolution 4, the issue to be heard by the court is a challenge under the Charter of Rights to the validity of regulation 217/88 and to the authority of the Manitoba government to make that regulation and a charge of

noncompliance with certain provisions of the Canada Health Act. The Private Member's Resolution is a request to the provincial government to rescind the regulation; it does not refer to the court challenge nor does it question the validity of the regulation.

Turning to whether this issue meets the criteria required for the sub judice convention to be invoked:

1. The issue appears to be peripheral to and not the same issue which is to be heard by the courts. Speaker Fraser in 1987 ruled on this particular point: "... questions that are peripheral to the main issue being tested in the litigation are not necessarily excluded under the sub judice rule. It is important that all honourable members realize that, because sometimes there is a tendency for members on one side to seize too quickly the conclusion that just because a question may concern some actors who may be involved in one way or another in a lawsuit that it is by its very definition sub judice."

2. The case is a civil one, not a criminal one; therefore, the convention may or may not apply.

3. I received no advice from members when this matter was raised as a point of order in the House as to whether discussion of the resolution in the House would be injurious to individuals involved in the court case. I am of the opinion that it would not.

4. I am advised that the challenge is scheduled to be heard in the Court of Queen's Bench on April 21 and 22 of this year. Therefore, in my opinion, the matter is not yet before the courts and is not subject to the sub judice convention.

I would like to add that each case must be judged on its own merits. Under a different set of circumstances, the sub judice convention might apply to a motion before the House. In this case, I am ruling that it does not.

I am therefore ruling against a point of order. The debate on private members' Resolution 4 may proceed.

PROPOSED RESOLUTIONS

Res. 4—Reproductive Health

Ms. Judy Wasylycia-Lels (St. Johns): First of all, I would like to thank you, Mr. Speaker, for your ruling and for upholding the long-standing traditions of this Chamber for open debate. I am reminded today of our privileges as members of the Legislative

Assembly and our right to debate issues no matter how controversial or difficult or divisive.

I am also reminded of our responsibility to bring issues to this Chamber that are not often given much consideration because they do not, or may not, reflect the realities or priorities of the vast majority of elected members. It is my view that it is our responsibility to bring issues from all groups in our society, all walks of life, to treat them seriously, to bring them to this Chamber, and at no time to dismiss those issues as matters of personal consideration as opposed to important public political priority.

Mr. Speaker, the resolution before us today is not limited to a particular individual or a particular facility involved in a specific court case. It refers to government policy affecting a broad matter, that of reproductive health services in our community clinics, and as such it is a resolution that addresses a government policy of far-reaching, very significant implications not just for women's health but also for the health care system generally. It is a resolution that addresses an issue often treated as invisible, yet very significant for over half our population. It is about democratic freedoms and individual rights and societal responsibilities, and it is a resolution that attempts to uphold the most fundamental of freedoms, the right of women to choose whether or not to have an abortion.

I know, Mr. Speaker, that the issue of abortion is a difficult issue for some members in this Chamber who would prefer to avoid debate, and it is a complex, emotional issue for everyone, especially for women, for women who choose to have an abortion or who choose to consider having an abortion. It is not for us to judge women in that difficult decision-making process, but to give options, to provide access and to support choice. I know that there are some members on that side of the House who support that fundamental principle, the right to choose.

We heard it very clearly from our Minister of Consumer and Corporate Affairs (Mr. McIntosh) in our debate on the change of name with respect to the Advisory Council on the Status of Women. She said quite clearly in the heat of debate that she and members of her party, Conservative government, felt very strongly and feel very strongly about choice.

Mr. Speaker, this resolution is about that choice being taken away from women. It is about the

political decision of this government to limit insurance coverage of abortion. It is about a government that has a political agenda of restricting access to abortion by using economic power to shut down community clinics. There are some things that as a society I think we can be sure of in this day and age, that should no longer be points of contention, should no longer be the basis for such actions as we have seen with this government, when it chose by decree, by Order-in-Council to restrict health care or medical care coverage of abortions provided in community clinics.

Mr. Speaker, it is reprehensible in our view to deny that choice. It is even more reprehensible for any government, no matter what their feelings about abortion and about the right of women to choose, to actually deny women the right of coverage through our health care system the cost of pathology resulting from abortions performed at a community clinic.

I want members to understand clearly what this government has done dating back to 1988, when the present Minister of Health (Mr. Orchard) brought forward that Order-in-Council as one of his first actions as Minister of Health. By that Order-in-Council this government refused to ensure examination of fetal tissue.

* (1740)

That examination is standard procedure for all surgical procedures. It is through this examination that surgeons are assured that they in fact removed what they intended to remove, and it reviews details of any abnormalities. In the case of an abortion, a very dangerous form of cancer, hydatidiform mole, where the pregnancy has turned into a malignancy, may be detected through this examination.

Mr. Speaker, if members in this Chamber will not move, in terms of understanding the need for women to have the right to choose to have an abortion or not, in a community clinic or not, if they are not moved by that fundamental principle of justice and fairness, then surely they are moved by that fundamental issue of providing health care services for women who need access to those services for their very survival, for their very life on this planet.

Mr. Speaker, there are some issues, as I said, that should not be part of this debate. We should no longer be discussing whether or not it is medically necessary to perform an abortion in hospitals as

opposed to clinics. I hope that that is not behind this resolution because, as members across the way should know, the present system where women who do not have access to the full range of reproductive services and are restricted in their choice of reproductive health services find themselves turning to a couple of hospitals and find their lives at risk.

In fact, let it be known that 20 percent of procedures at the Health Sciences Centre are done in the second trimester. No one questions, I am sure, that that poses more risk to women than if the abortion had been done in the first trimester.

I hope by now we are at the stage of at least recognizing that one does not need to be restricting abortions to hospitals for budgetary reasons, because on every other issue the minister is saying the opposite and suggesting that community clinics, community services, can provide more effective, more efficient, more cost-benefit services.

This court case, Mr. Speaker, that this government is so concerned about and provided as the basis for their opposition to this resolution going forward will, in fact, if it is allowed to go ahead, and if this government does not see a way to change its mind, will possibly mean a much more costly decision, much more costly charges to our health care system than is presently the case. I do not need to remind the minister about how it will open up the whole area of paying for diagnostic treatments and tests in private community clinics.

Mr. Speaker, in the last few moments that I have to speak on this very important matter, let me say that there are a number of precedents, a number of laws, a number of established traditions in this country that stand behind this resolution.

Our belief in medicare is founded on a belief that all people should have access to necessary medical services. I hope there is not one in this room who will question the need for women to have access to reproductive health services, including abortion services for medically necessary reasons.

Let me remind members of this House our attachment and our commitment to the principles established in the Canada Health Act, and say behind this resolution is our belief that any denial of comprehensive, accessible services is a contravention of the Canada Health Care Act and, in fact, places this government in question in terms of breach of that law.

Let us not forget the Charter of Rights that we have all stood behind over the years that establishes the rights of women, that establishes the rights of all people. A point that is well addressed in the resolution, where it quotes from the Supreme Court ruling that we thought ended once and for all this matter, where it said that forcing a woman by threat of criminal sanction to carry a fetus to term is a profound interference with a woman's body and thus an infringement on the security of person.

Let me say finally, Mr. Speaker, for the benefit of my colleagues to the left of me in the House, the Liberal Party, who have expressed opposition to reproductive health services at the Morgentaler Clinic for several reasons that are also ill founded.

They have suggested that the College of Physicians & Surgeons has not supported provision of services at the Morgentaler Clinic, and they are wrong. The College of Physicians & Surgeons has approved services at that clinic. They have suggested that the full range of counselling services are not available at the Morgentaler Clinic and, by implication, any community clinic, and they are wrong, Mr. Speaker. They will know, and anyone who cares to visit that clinic will know, the full range of counselling services, pre-abortion counselling services, post-abortion counselling services, advice, health, economic supports, everything that a woman might need.

The Liberals have said they are opposed to this resolution because it is a private clinic. Mr. Speaker, if we had a government committed to supporting the full range of reproductive health services at our community clinics then we would not be in this bind of questioning the rights of women to have access to abortion services at community clinics.

* (1750)

Let me close, Mr. Speaker, by saying that I hope that this government will reconsider. I hope it will do so from a cost point of view in terms of the possible implications of this court case which is happening later this month. I hope that they will recognize the fundamental rights of women to choose about their own bodies, about their own reproductive health.

Hon. Donald Orchard (Minister of Health): Mr. Speaker, given that this issue is to be heard in court later this month, no member on this side of the House will be speaking to the resolution today.

Ms. Becky Barrett (Wellington): Mr. Speaker, I am privileged to get up this evening and speak in support of the resolution put forward by the member for St. Johns (Ms. Wasylycia-Leis) supporting the reinstatement of access to the full range of reproductive health services in a community clinic setting. As the member has stated in her remarks, the Supreme Court has ruled that a woman has the control over her body, and the woman should have the choice in this very important matter.

Mr. Speaker, I think the concept of choice is one of the most fundamental concepts that we as a society can deal with and must deal with. It is also a word and a concept that this government has on numerous occasions in this House brought forward in support of the financial and program decisions that they have made in their budgets and in their governing.

The government talks about the rights of families to have choice as to the type of daycare that they use, the type of daycare that they access, that there should be a full range of daycare service provisions for families. In that context, Mr. Speaker, the government has changed funding for daycares and has broadened the access for that service to include not-for-profit daycares, profit daycare centres, family daycare centres, a full range of services in the daycare community in the interests of choice. The government talks about the need for the agencies that this government funds to be responsible and to take responsibility for their actions and to choose to use the funds that are allotted to them in the most effective manner possible. So this government in many areas has said that it is up to individuals, it is up to families, it is up to organizations, it is up to the health care service delivery system. The Minister of Health (Mr. Orchard) talks a great deal about the choices that boards of directors of hospitals must make in determining how to use their funds, so the concept of choice is not a foreign concept to this government.

I am just urging that this government carry that concept of choice, that principle that individuals, families, groups and organizations have choices and are responsible in making those choices, and that this government say that that principle of choice extends to the right of women to choose to have a medical procedure performed in a community clinic. Again, the minister in June of 1988, when he changed the provision of services in the area of reproductive health care, when he took away a

major component of choice from the women of this province, stated that there should be support systems available to assist women in making this important decision, they should be informed of all options and resources available to them.

Mr. Speaker, community clinics provide that full range of support. Community clinics provide the full range of pre- and post-abortion counselling, financial services and every other range of health care service that the minister could want. The minister also stated that the health of the woman was paramount and that only in the safety of a hospital environment could abortions be performed to ensure the safety of women. It has been proven time and time again that community clinics are at the very least as safe and in many cases more safe than a hospital setting. As the member for St. Johns (Ms. Wasylycia-Leis) has stated in her remarks, the College of Physicians and Surgeons has declared their support for the provision of this service in a community clinic.

Mr. Speaker, if this government is truly committed, as it says, to the concept of choice, if it truly cares about the rights and responsibilities of half of the population of this province, if it truly believes, as it says, that individuals and families have the right and the responsibility to make informed decisions, informed choices, then it is incumbent on this government to follow and approve and respect the private member's resolution as brought forward by the member for St. Johns to reinstate insured services to community clinics so that all members of this province have the complete and full access to services in a full range of health care facilities. It is unconscionable in this day and age that half of the members of any society do not have the same rights and access to services that they are entitled to, and do not have that right to a full range of services in a

full range of service delivery system solely because of their gender. It is unbelievable that a government would openly and consciously make a decision that disenfranchises in an incredibly important way the potential for half of the population of this province to not be seen as fully a citizen, or as fully independent, or as fully able to access services as the other half, solely because of their gender.

Mr. Speaker, I would just close again by urging this government to support this resolution, to rescind the ill-thought-out, the ill-conceived action on the part of the Minister of Health (Mr. Orchard).

As the member for St. Johns (Ms. Wasylycia-Leis) pointed out, one of the first things that the Minister of Health did very quickly after he was first appointed in that role was to rescind this service to half of the people of this province. Would that the Minister of Health were as expeditious and as fast-moving on some other areas of his responsibility, one can only infer, Mr. Speaker, from the speedy action of the Minister of Health in June 1988, and the complete lack of willingness on the part of the government to rescind that ill-conceived action, that this government, in fact, is not committed to the full provision of services to all of its residents, that the government, in fact, knowingly is discriminating, is practising not just discrimination through ignorance but discrimination through choice. This government is not allowing choice to half of the people of this province, but it is making the choice—

Mr. Speaker: Order, please. When this matter is again before the House, the honourable member for Wellington (Ms. Barrett) will have six minutes remaining.

The hour being 6 p.m., this House now adjourns and stands adjourned until 1:30 p.m. tomorrow (Thursday).

Legislative Assembly of Manitoba

Wednesday, April 8, 1992

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