



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

**DEBATES
and
PROCEEDINGS
(HANSARD)**

42 Elizabeth II

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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
CHOMIAK, Dave	Kildonan	NDP
CUMMINGS, Glen, Hon.	Ste. 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, Clif	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
GRAY, Avis	Crescentwood	Liberal
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
ORCHARD, Donald, Hon.	Pembina	PC
PALLISTER, Brian	Portage la Prairie	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
<i>Vacant</i>	Rossmere	
<i>Vacant</i>	Rupertsland	
<i>Vacant</i>	The Maples	

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, July 20, 1993

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Ms. Jean Frlesen (Wolseley): Mr. Speaker, I beg to present the petition of Katherine Szadkowski, George Conway, Carl Ridd and others requesting the Minister of Family Services (Mr. Gilleshammer) to consider restoring funding of the Student Social Allowances Program.

READING AND RECEIVING PETITIONS

Mr. Speaker: I have reviewed the petition of the honourable member (Mr. Clif Evans). It complies with the privileges and the practices of the House and complies with the rules. Is it the will of the House to have the petition read? [agreed]

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

WHEREAS Manitoba has the highest rate of child poverty in the country; and

WHEREAS over 55,000 children depend upon the Children's Dental Program; and

WHEREAS several studies have pointed out the cost savings of preventative and treatment health care programs such as the Children's Dental Program; and

WHEREAS the Children's Dental Program has been in effect for 17 years and has been recognized as extremely cost-effective and critical for many families in isolated communities; and

WHEREAS the provincial government did not consult the users of the program or the providers before announcing plans to eliminate 44 of the 49 dentists, nurses and assistants providing this service; and

WHEREAS preventative health care is an essential component of health care reform.

WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba may be pleased to request the Minister of Health (Mr.

Orchard) consider restoring the Children's Dental Program to the level it was prior to the 1993-94 budget.

PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

Mr. Bob Rose (Chairperson of the Standing Committee on Law Amendments): Mr. Speaker, it is a pleasure to report to the House that the Standing Committee on Law Amendments has just pulled ahead of the Economic Development committee, and I beg to present the Tenth Report of the Standing Committee on Law Amendments.

Mr. Clerk (William Remnant): Your Standing Committee on Law Amendments presents the following as its Tenth Report.

Your committee met on Monday, July 19, 1993, at 9 a.m. in Room 254 of the Legislative Building to consider bills referred.

Your committee heard representation on bills as follows:

Bill 43—The Manitoba Lotteries Foundation Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Fondation manitobaine des loteries et apportant des modifications corrélatives à une autre loi

Peter Olfert - Manitoba Government Employees Union

Dan Lillie - Royal Canadian Legion, Branch 42

Your committee has considered:

Bill 43—The Manitoba Lotteries Foundation Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Fondation manitobaine des loteries et apportant des modifications corrélatives à une autre loi

Bill 46—The Criminal Injuries Compensation Amendment Act; Loi modifiant la Loi sur l'indemnisation des victimes d'actes criminels

and has agreed to report the same without amendment.

All of which is respectfully submitted.

Mr. Rose: Mr. Speaker, I move, seconded by the honourable member for St. Norbert (Mr.

Laurendeau), that the report of the committee be received.

Motion agreed to.

MINISTERIAL STATEMENTS

Hon. James Downey (Minister of Northern Affairs): Mr. Speaker, I have a statement for the House, and I have copies to distribute.

Mr. Speaker, I am pleased to make a statement to the House, and the document which I tabled I will not read in its entirety because of its length. In co-operation with trying to see the session have an end in sight, I will take some excerpts from the document which I think are important.

From July 27 to July 29, the Hudson Bay Route Association will be celebrating its first half-century of achievement. Quite appropriately, its 50th annual convention will be held in Churchill, Manitoba, the terminus of the bay rail line in Canada's most northerly saltwater port.

The theme of the convention is 50 Years of Accomplishment: Directions for the 21st Century. The Minister of Rural Development (Mr. Derkach) and I will be attending the convention, and I am pleased that Leaders of the two opposition parties intend to be there as well.

* (1335)

The Hudson Bay Route Association continues a strong and proud prairie tradition of advocacy for a railroad link from the Canadian prairies to the Hudson Bay and support for the Hudson Strait shipping route to Europe, a route for westerners that is about 1,000 miles shorter than the Great Lakes-St. Lawrence Seaway route.

Mr. Speaker, it is well known that, historically, the western Premiers have been strong supporters of Churchill. Their consistent and active support has meant a great deal to the port and to the province.

A few weeks ago during the Executive Council Estimates, Premier Filmon reaffirmed the fact that one of our government's most critical priorities in federal-provincial relations is the securing of the future of Churchill, both by assuring that it has enough tonnage to show a profit, and that is of course grain, and by pursuing aggressively all the opportunities Churchill has to offer.

This year, grain shipments will again move through Churchill, though the extent is not clear as yet. We also have received indications that a

minimum of two cruise ships will visit the port as well.

The Hudson Bay Route Association will continue to play a significant role in advancing Churchill's cause, and it will have the staunch support of this government, both directly and through initiatives such as the Arctic Bridge agreement with Russia, the rejuvenation of the Churchill rocket range, the promotion of ecotourism and the establishment of a national park in the Churchill area.

By working with the Hudson Bay Route Association and other nonpartisan groups, we can make certain that our ongoing support for the future of the Hudson Bay route and of the port itself are well and clearly understood. Those who might contemplate closure would face a formidable and united opposition that it is not a choice Manitobans will ever accept, nor should we.

I invite members of the opposition to join in congratulating the Hudson Bay Route Association on its achievements as it celebrates its 50th anniversary. I am confident that every member of this House is committed to ensuring that the association can look forward to another 50 years and more of active and valuable services to our province and to western Canada.

Thank you, Mr. Speaker.

Mr. Gary Doer (Leader of the Opposition): I would like to thank the Deputy Premier (Mr. Downey) for his statement in the House today.

I want to also pay tribute to those thousands of volunteers across western Canada and those thousands of volunteers in Manitoba who actively continue to promote the vision of a northern seaport in the province of Manitoba, a vision they have held high on behalf of Manitobans and western Canadians throughout the years and continue to hold high for the future of our province.

I too look forward to attending that meeting next week, along with caucus colleagues. This is a very important association meeting to attend, particularly in paying tribute to the 50th anniversary. I should say though, having been in the community of Churchill some five or six weeks ago, that the members of that community would have some difficulty with the words expressed by the Deputy Premier in terms of the concerns of the Port of Churchill.

There are many members of the community who feel the powerful interests in this country do not see

that same northern vision that the people of Churchill and people along the Hudson Bay Route Association see for a northern seaport in the Churchill community. They fear greatly when they see that grain shipments are shipped through the St. Lawrence Seaway and through the community of Baie-Comeau, and they worry quite verbally that because—[interjection]

Well, the members opposite and the Premier (Mr. Filmon) may think it is funny, but some members of Churchill, including the mayor, feel that the whole community of Churchill is at a precipice if they cannot get the 600,000 to 700,000 tonnes of grain commitment from the 3 percent catchment area to ship through the Port of Churchill.

You know, the Premier participates in partisan politics, and he should know—[interjection] I seem to recall that the Premier of Manitoba had similar sentiments when he heard the last announcement for the shipment of grain to Russia. I seem to recall the Premier expressing the same concerns as we had opposite. Quite frankly, I am very disappointed to hear that the condemnation of some of these grain shipments from other ports is not now shared by all parties in this House, as it was previously when we asked these questions in the Chamber.

* (1340)

Mr. Speaker, we are concerned about a Crown corporation, CN railway, which has systematically proclaimed that they cannot ship the new hopper cars through the Port of Churchill and up through the Hudson Bay line to the community of Churchill, when we know, in fact, the facts are opposite, when we know, in fact, that cement cars going to Limestone carried equivalent if not higher amounts of tonnage per car than what is now presently proposed for the new hopper cars on that line.

We are very concerned that the Western Diversification Program was not forthcoming for the new rocket range proposal. We applaud the private developers, applaud George Richardson on the announcement of the feasibility study, but we note that some governments were very slow in looking at the new proposals and very slow to support the people of Churchill and the community of Churchill and the vision again of a northern seaport that contains a rocket range. We are in competition with other potential northern sites in Alaska, and it is important that we seize the opportunity.

So we look forward to joining the Hudson Bay Route Association and look forward to paying tribute to the 50 years of historical success by the pioneers who developed the Port of Churchill in the great province of Manitoba.

But looking forward to that date also means we have to work collectively with all our vigour. There are powerful interests, Mr. Speaker, that do not support our vision of Churchill, and it is important that all 57 members are working together to support the Port of Churchill and the Hudson Bay Route Association, to make true the vision of the North as we saw it before.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, it is a pleasure for me to stand up on behalf of the Liberal Party to commend those thousands of individual Manitobans and others in the work and effort volunteers have put forward, and now we see the 50th anniversary of the Hudson Bay Route Association.

The importance of advocacy groups of this nature to take issues that have an impact on the everyday roles or functions of not only the province of Manitoba, but also the prairie provinces—because the symbolic and real importance of the Hudson Bay in terms of potential growth, Mr. Speaker, is there if, in fact, you have a government that is quite prepared and willing to see some further development.

After all, if we talk about the Hudson Bay and we put it in terms of up north, in the northern part of Manitoba, and the important role that it has to play in the future of the province of Manitoba, if we neglect the rail lines that attach us to that northern port, it is not going to be able to survive.

It is very easy for us inside this Chamber to give lip service. I recall a resolution that was brought forward talking about the Churchill rocket range, and the government took the liberty to pat themselves on the back on that particular resolution. The minister took the liberty today to stand up and say how wonderful the Hudson Bay Route Association is. Mr. Speaker, it is a wonderful organization, and we need to pay tribute to them.

Mr. Speaker, this government has a knack of giving lip service to different issues of the day. Let us hope that, in fact, the sincere attempt that is being made by the Deputy Premier (Mr. Downey) will translate in terms of support for Churchill, because we do need Churchill.

It plays a very pivotal role in the province of Manitoba, not only today but for tomorrow. I encourage, again, all those individuals who are involved and who have done a wonderful job representing us.

Thank you.

* (1345)

ORAL QUESTION PERIOD

North American Free Trade Agreement Labour Market Adjustment Strategy

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

Mr. Speaker, the Manitoba government has six conditions attached to its support of the proposed NAFTA agreement. Three of those conditions, the government has suggested, have not been met on the proposed NAFTA. Two of those conditions are in negotiations now with the labour adjustment strategy and the environmental issues that are before the three countries.

Mr. Speaker, one of the other conditions that Manitoba had was the whole issue of labour market adjustment. The government has clearly stated that they were "disappointed" in the federal Conservative government's labour market adjustment strategies and support after the Canada-U.S. trade agreement. They go on to criticize the reduction in money from 1986 and '87 to 1990 and '91 in terms of federal training dollars from some \$92 million to some \$60 million.

Given the fact the government made this statement in December 1990, I would like to ask the Premier: What progress has the government made to achieve a labour market adjustment strategy with the federal Conservative government?

Hon. Gary Filmon (Premier): Mr. Speaker, I can tell the Leader of the Opposition that his portrayal of our position with respect to NAFTA and its six conditions is accurate.

It remains the position of the Government of Canada, and it is consistent, which is quite dissimilar to the inconsistency that was pointed out in a recent Maclean's magazine of his federal Leader, Audrey McLaughlin, who is suggesting she is opposed to NAFTA, despite the fact that NAFTA fully protects supply management. Yet she is very supportive of GATT, which will likely dismantle to a great extent supply management in this country.

It is that kind of inconsistency that characterizes for pure politics the positions of the New Democrats on all sorts of issues, this one included.

We will continue to ensure that we do everything possible to convince the federal government that labour market adjustment is an important component of any trade agreements we negotiate in the future with any groups in the economy.

Mr. Doer: Mr. Speaker, I asked the Premier a very specific question which he did not answer. I asked the Premier whether there was any progress toward the alleged priority of the government in terms of labour market adjustment.

The government stated in one of its conditions in December of 1992 that they were "disappointed" with the Canada-U.S. trade agreement. They pointed out the decline in support from the federal government. They pointed out the changes that were offloaded onto employers and employees in the UIC changes.

Has the Premier achieved any progress to date that he can report to this House, some seven, eight months later, or are we still in a situation where nothing has changed and he is still "disappointed" in the federal government in terms of labour market adjustment, and it does not meet any of the criteria the government established for itself, given that we are negotiating environment and labour standards today in the three-country negotiations?

* (1350)

Mr. Filmon: Mr. Speaker, the Leader of the Opposition should not try and put words in my mouth when he talks about priorities.

We have put six conditions which we say are necessary for us to support a NAFTA agreement. Among those six conditions are a greater participation and greater contribution by the federal government to labour market adjustment programs because of some potential disruptions that will take place, that take place any time there are agreements for trade amongst countries.

We have also said we are very committed to ensuring there is a stronger protection for our environment, that there is an assurance of the labour force conditions being more equalized amongst Mexico and United States and Canada. Those are two of the sidebar agreements that are currently being negotiated, because they are also principles of President Clinton who wants to have

those things tied down before he is able to agree to NAFTA.

The fact of the matter is, we will continue, as I said in response to the question initially, to work to convince the federal government that they ought to have a labour force adjustment component that is necessary in order to fund the kinds of retraining and adjustment that will occur inevitably with any kinds of trading agreements country to country.

Mr. Doer: Mr. Speaker, this condition the government placed before the people of Manitoba is now eight months old. We are not interested in rehashing what they said eight months ago. We are interested to see what progress they have made over the last eight months.

Workers in Manitoba who may be faced with this trade agreement are worried about many aspects—jobs, labour adjustment, environment, et cetera, but I was asking the Premier a very specific question.

Is the only progress to date that they are working toward convincing the federal government to implement a program, or is there anything more tangible that the people of Manitoba can see, after eight months, on the government's work with the federal government on this very important priority of having a proper labour management adjustment strategy, a labour market adjustment strategy, as part of any conditions this government has on the NAFTA agreement?

Mr. Filmon: That is the very point, Mr. Speaker. We had six conditions. Of those six conditions, two of them are being actively worked upon, one being the additional protection we are seeking for environment, the second being the additional protection we are seeking for labour force harmonization to ensure that as Mexico's economy improves, those improvements will be manifested in increased wages and benefits to the workers to put them on a more level playing field with Canada and the United States.

A third aspect, a third point we were concerned about was the continued and even greater involvement of the provinces in the negotiating process, as we tried to ensure that there were the concerns of the provinces and the involvement of the provinces on the table as we worked toward it.

I can say that our province has probably had more participation and involvement, particularly in

those two sidebar agreements, than almost any other province in the country.

So, again, there is a third point of the six, and three of the six obviously are not bad. We continue to work to convince the federal government on the other three points, which include the one he is raising today about labour force adjustment packages.

Labour Force Development Agreement Consultations

Ms. Jean Friesen (Wolseley): Mr. Speaker, in March of this year, Manitoba became the ninth jurisdiction to sign a Labour Force Development Agreement with Canada.

The Minister of Education at that time assured us that the next six months would be devoted to consultations with Manitobans on the composition of the boards and the development of programs.

Mr. Speaker, five months have passed and there has been no consultation with the Manitoba Federation of Labour, surely one of the basic institutions that should be involved in the formation of these labour force development boards.

Could the minister explain to us why?

* (1355)

Hon. Rosemary Vodrey (Minister of Education and Training): As I did explain in the 70 hours of Estimates in the Department of Education and Training, the first step was a joint management committee with the federal government, between the Province of Manitoba represented by the Department of Education and Training and the federal government.

With that joint management committee, they would be then looking at the process the consultation would take, and I explained to the member during the Estimates exactly the progress and where that agreement lies, and we do hope to begin that consultation, announce the consultation process as soon as that discussion is completed, and I expect it to be shortly.

Ms. Friesen: Mr. Speaker, five months have passed. That agreement runs out six months after that. What has the minister been doing for five months?

Will she confirm that she has any intention of consulting with labour or education in the formation of these groups?

Mrs. Vodrey: The member continually shows she does not have any idea how the process works. She does not have any idea how a joint management committee would work.

But I can tell her, as I told her in the 70 hours of Estimates in the Department of Education and Training, that there has been a joint management committee which has been working. Then the six-month period will begin where there will be consultation.

I can tell the member now in this House, to put to rest any fears that she is trying to arouse on behalf of Manitobans, that the consultation process will most certainly take place.

Implementation

Ms. Jean Friesen (Wolseley): The consultation process she promised would begin five months ago.

Will she tell us precisely now how she plans to create these provincial or regional boards in the one month that is left to her, or are we going to have another press conference with lots of flags, lots of lights, that says, in six months there will be a consultation and Manitobans will be involved? Is that where this is going?

Hon. Rosemary Vodrey (Minister of Education and Training): Again, the member has not understood the process, does not understand the time frame. Yes, there will be the six-month period in which the consultation process will occur. That is exactly what I announced.

The preparation for the consultation process—there was a joint management committee, the province and the federal government. That joint management committee has worked out how that consultation process will be taking place. The consultation process most certainly will take place, and I would like to assure Manitobans of that right now.

School Division Boundary Review Co-ordination—Francophone Governance

Ms. Avis Gray (Crescentwood): Mr. Speaker, we are very pleased the day "soon" has finally arrived and that the Minister of Education has established a committee to review school division boundaries, something the Liberals have been calling for for many, many years.

We know this review will take 16 months, as the minister indicated today, and a report will be handed to her at that time. That will be some time late in '94. Francophone governance, however, is to be in place by September of 1994.

My question to the Minister of Education is: How does she plan to co-ordinate the implementation of Francophone governance and the overall school division boundary review when the two time lines are quite inconsistent?

Hon. Rosemary Vodrey (Minister of Education and Training): I can tell the member the implementation committee for Francophone governance is currently in place and is working. We will know during the course of this year the number of students and their families who have chosen to register within the Francophone division.

That will then give the existing school divisions an opportunity to see what their student population is, what their demands are, to present their concerns and their issues to the committee that is looking at boundary review.

So the two initiatives are complementary, but I would also remind the member there are, in fact, six interlocking reforms which are going together at this time in education.

Ms. Gray: Mr. Speaker, can the Minister of Education tell us who specifically is co-ordinating the implementation committee for Francophone governance, who is co-ordinating that along with the school divisions boundary review?

What exactly is that co-ordination, and how will it work to ensure that, in fact, there is not a waste in dollars and that the left hand knows what the right hand is doing?

Mrs. Vodrey: Mr. Speaker, as the member well knows, it is former Chief Justice Alfred Monnin who is chairing the implementation committee for Francophone governance, and it is former Mayor Bill Norrie who is the chair of the Manitoba School Boundaries Review.

As the information comes forward, we certainly expect there will be a flow of information to the Department of Education and Training and that the information regarding the numbers of students who will be moving into the new Francophone board will certainly be available to the department, will be available to their home school divisions.

* (1400)

Committee Members' Per Diems

Ms. Avls Gray (Crescentwood): Mr. Speaker, with a final supplementary to the Minister of Education: Can she tell us, with the budget that has been allocated for the school division boundary review, how much of that budget, how many dollars are being allocated to per diem payments or salaries for committee members?

Hon. Rosemary Vodrey (Minister of Education and Training): Mr. Speaker, just in relation to the last question, I am not sure if the member is suggesting that the school boundary review should have come first, been completed, and then Francophone governance. That simply does not make sense in terms of the budget.

I can tell the member that there has been approximately \$350,000 set aside for this fiscal year. The per diem paid will then depend upon how many days the commissioners sit. The commission will be meeting for the first time to establish its hearing schedule and meeting schedule, and that information then will be available in detail when they have established it.

APM Management Consultants Home Care Program Contract

Mr. Dave Chomlak (Kildonan): Mr. Speaker, the Connie Curran gravy train keeps rolling along. [interjection] But not to Churchill.

Ms. Curran is now up in monthly payments to over \$400,000 a month plus expenses. There is only one contract that remains to be signed, and surprise, surprise, it is a home care contract, for Ms. Curran and her gravy train to somehow deal with home care.

Can the minister, in light of the tremendous cuts to the Home Care Program, advise whether or not he has signed a home care contract with Connie Curran, and if he has not, will he once and for all say, no more gravy train to Ms. Curran; we can handle home care ourselves?

Hon. Donald Orchard (Minister of Health): Mr. Speaker, just let me, again, correct my honourable friend who is factually inexact. The Home Care budget has increased again this year, as it has every single year since we have had responsibility for the Home Care budget, not the cutbacks my honourable friend talks about, but an increase in the Home Care budget, an increase of the home care attendant services by 11 percent, an increase

in the registered nursing services by 9.5 percent, an increase in VON services by 3.6 percent.

Mr. Speaker, when my honourable friend talks about trains, I recall his speech in the House where he indicated that his train of thought was very short indeed and, again, he has demonstrated that.

Mr. Chomlak: Mr. Speaker, this train is going downhill very, very fast.

My supplementary to the minister—and the minister did not answer the question. Is the minister negotiating the contract with Connie Curran on home care redevelopment or not, or is that contract now dead, which it should be in light of the cutbacks in Home Care this year?

Mr. Orchard: No, Mr. Speaker, to the last question.

Yes, Mr. Speaker, to the first question.

Home Care Program Manitoba Society of Seniors Meeting

Mr. Dave Chomlak (Kildonan): My final supplementary: Was the minister at his meeting this morning with the MSOS executive able to give them any information about the cutbacks of \$3 million in homemaking services, the cutback in the Home Care budget in Winnipeg from \$31 million to \$28 million and the user fees that are being imposed on ostomy supplies and home care supplies?

Was he able to provide any of that specific information, as well as the regulations concerning those changes?

Hon. Donald Orchard (Minister of Health): I had a very good meeting with the MSOS this morning, and we discussed a number of issues, some of which my honourable friend has referred to.

I consider the meeting to be productive on both sides because one of the issues that was brought up very clearly by MSOS was that they are drawing up our attention that we need to improve the management of the program of Home Care.

That is the kind of observation from the consumer end that really we value because that is exactly, Sir, what we hope to achieve in terms of better management of the \$68-million resource we currently spend in the Home Care Program.

A couple of other issues came up, and on further questions from my honourable friends in the opposition, I am willing to share the information with

them, but, Mr. Speaker, we did come to grips with a great deal of inaccuracy that came out in the most recent Manitoba Medicare Alert Coalition, Tim Sale. One might remember him as the defeated NDP candidate in the by-election of Crescentwood, wherein he has put out some rather inaccurate, alarmingly inaccurate information on the personal care home charges. I regret that a man who classifies himself as a health consultant would be so ill-informed and so misleading in his public pronouncements.

Northern Manitoba Highway Maintenance/Repairs

Mr. Daryl Reid (Transcona): Mr. Speaker, for over a year now, we have been writing to the Minister of Highways and Transportation concerning the condition of northern roads including Provincial Roads 280, 391 and others.

My colleagues from northern and rural Manitoba have also drawn to the attention of the Minister of Highways the deplorable condition of provincial roads in their constituencies. In fact, department staff from the minister's own department have indicated that northern roads need major work, but there is no money in the budget.

Can the Minister of Highways and Transportation indicate why he is willing to commit millions of dollars to maintain highways in southern Manitoba when it is obvious that the \$10-million cut to his department's budget this year is hurting northern Manitoba?

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, we spent 20 hours going through my Estimates. We did not spend an awful lot of time going through my Capital program, but I will take the question as notice, and I will bring back a list of all the projects of highway construction that are taking place on 391, on 373, all the work that is taking place on Highway 39, and I will bring back a list of the projects that are taking place this year in the northern part of the province.

Mr. Reid: The RCMP have now said that poor highway conditions on Provincial Highway 384 have caused the injury of three Manitobans, due to the poor highway conditions.

What steps is this minister prepared to take to address the very poor condition of northern roads in this province, Mr. Speaker? I will table a copy of the RCMP's statement.

Mr. Driedger: Mr. Speaker, I wish you could table the phone calls, all the phone calls I am getting on conditions of roads based on the weather conditions we have had. We have had consistent rain, more than we have had for a long, long time in the last month. It is virtually impossible to keep all our roads, the gravel roads, in the kind of condition I think we would like to see them. We are making all efforts.

Mr. Speaker, the member says there is a letter there where people got injured on one of my roads due to the road condition. In the flash flooding that took place in the Swan River area where bridges, culverts and roads were washed out, those were dangerous conditions. My staff, I want to compliment them, worked excessively hard to try and get the access available, and did a tremendous job. The roads are open again and everybody is moving.

Mr. Speaker, the fact that we still have the bridges out and they have to be repaired, that work is going to be an ongoing thing and is taking place right now.

Mr. Reid: My final supplementary is to the same minister, Mr. Speaker.

Considering that Highways staff have said there is no money in the budget and the roads are in poor condition, and the RCMP have indicated the same, that conditions of the roads have contributed to accidents, when can we expect, since this minister would not commit during the Estimates process to repairing these roads, that his department will undertake the maintenance work for 384, 391, 234 and others in the province that are literally falling apart?

Mr. Driedger: Mr. Speaker, I find this amazing. A little over five years ago when I took over this department, the Capital spending on highway construction was \$83 million. This year, our Capital program is at an all-time high of \$110 million.

The member says the roads have deteriorated. I tell you, they deteriorated under that member for Dauphin (Mr. Plohm). The member for Dauphin is the one who allowed his budget to be cut from \$100 million in 1981, when that member was the minister, down to \$83 million, and now the member for Transcona is out here criticizing.

* (1410)

Taxicab Board Chairman—Resignation Request

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, my question is for the minister responsible for the Taxicab Board.

Over the last couple of days, we have had a number of presenters who have come before the committee. There is a great deal of concern out there within the industry, an industry that employs directly approximately 1,800 people and has an impact on just less than 6,000 members if you include their families.

The consensus or the overwhelming opinion that is coming out of this is the fact that there is no confidence in the chair of the Manitoba Taxicab Board.

My question to the minister responsible for the board is: Will the minister do the responsible thing and dismiss Mr. Norquay from his responsibilities so that we can achieve some form of a consensus?

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, I cannot believe the question. We have been sitting in committee two days now. We have heard four presenters, and basically that issue has not come forward. What we have experienced in committee is the NDP and the Liberals fighting for turf out there to see whether they can garner some votes out of it. I find this amazing.

Mr. Speaker, I want the member to go back, once Hansard comes out, and read the presenters and basically tell me and show me where they have asked for the resignation of the chairman.

It is this member here. In his mind, he is trying to garner up this kind of a position, and it is a cheap attack on a very capable chairman.

Mr. Lamoureux: Mr. Speaker, I am disappointed in the minister. Had he been doing his work, what he was supposed to be doing—

Mr. Speaker: Order, please. This is not a time for debate. The honourable member knows that. The honourable member for Inkster, with your question, please.

Chairman—Industry Confidence

Mr. Kevin Lamoureux (Inkster): How can the minister say that?—and if, in fact, he was consulting with these individuals, the 25-plus

individuals who have been attending there every day, he will find it very clear.

The industry as a whole, not only through this particular bill but over the last number of years, Mr. Speaker, has found it cannot work with this—

Mr. Speaker: Order, please. Question now, please.

Mr. Lamoureux: My question to the minister is: How does this industry as a whole, or the public, benefit when there is no possibility of achieving a consensus with the current chairperson?

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, I think it is an insult, the comments the member is putting on the record here.

The taxicab industry has been a very complex and difficult thing since the time I inherited it, a little over five years ago. Mr. Speaker, I want to say that the industry, in the last few years, there has been a dramatic improvement in terms of the service and the cars. It is a difficult industry to be in. There are people who are working for very little money. It is not a money-making industry for most of the people involved.

I will tell you something, Mr. Speaker. We are trying very hard to try and address some of the concerns. It is very complex. The chairman of the board at the present time, as he has been since I put him in as the acting chairman, has done a very capable job looking at all interests.

Mr. Speaker, it is a service industry. There are two elements to this. It is a quasi-judicial board of a regulated industry, and he is trying to meet the concerns of both sides, the users as well as the suppliers.

Driver Representation

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I would ask the minister responsible why it is he would not allow a representative from the industry, a driver-owner or a driver, to be represented on the board so decisions that are being made are based on some knowledge from the industry direct, from all of the stakeholders.

Hon. Albert Driedger (Minister of Highways and Transportation): Mr. Speaker, I gave the undertaking that I had one more position to be filled on the five-man board, which I will do, but I have all the confidence in the people who are on the board

right now who are looking after the interests of the general public.

Mr. Speaker, I will tell you something. The presenters have basically spent less than an hour of all the time we have spent. The rest of the time has been spent with the opposition members playing politics with this issue. They are not serving the industry well. If they try and work with the industry instead of both trying to outdo each other as to who will be getting support out there, we would be able to make a lot more progress.

Social Assistance Employment Creation Strategy

Mr. Leonard Evans (Brandon East): Mr. Speaker, I have a question for the Minister of Urban Affairs (Mr. Ernst).

The City of Winnipeg has proposed an employment program for welfare recipients in Winnipeg called Community Investment '93. The Winnipeg Chamber of Commerce has urged that the province take a hard look at this proposal.

Last week, the Acting Minister of Urban Affairs took it as notice. I wonder now whether the Minister of Urban Affairs can tell us whether an agreement has been reached or is about to be reached with the City of Winnipeg.

Hon. Harold Gillehammer (Minister of Family Services): Mr. Speaker, the City of Winnipeg has brought forth a proposal which the government has been reviewing. Unfortunately, the federal government had not been advised of the project, and we have had to, in recent times, make them aware of some of the details of the project, because certainly without federal involvement, a project cannot go forward.

Some of the details of the project have been sent back to the city for their review, and I believe they have it under consideration at this time. A lot of work still has to be done before we will reach agreement either on a pilot project or a larger project.

Mr. Leonard Evans: I thank the minister for that information, Mr. Speaker.

I wonder if the minister could advise whether he would give this a priority classification and use his good offices to expedite the program, because, as the minister knows, there are 17,000 welfare cases in Winnipeg alone, and Winnipeg has the worst unemployment rate in western Canada.

So I ask, would he give it the priority that this particular matter deserves?

Mr. Gillehammer: Mr. Speaker, I can assure the member that putting people back to work and looking at the caseload that is accessing social allowances both at the provincial level in certain areas of the province and at the municipal level is a priority of government.

I have met with ministers from across the country. There is a lot of new thinking coming forward on how we deal with the large increase in social allowance recipients. Ontario, even though they are not going to put any detail around it until 1995 or '96, has brought forward a broad framework of some of the changes they foresee. I can tell you that other provinces along with the federal government are actively pursuing some initiatives in this area.

One of the things we would like to see is to have the federal government make the Canada Assistance Plan more of an active plan, rather than a passive one. So I can assure the member we are working on that.

Mr. Leonard Evans: Mr. Speaker, there certainly is a precedent for this because the federal government in the mid-'80s, the Honourable Jake Epp, agreed to a similar program of cost-sharing with the provinces in providing jobs for welfare recipients using welfare funds.

Mr. Speaker, my question to the minister is whether he would be prepared to look at other municipalities, the City of Brandon, the City of Portage, Dauphin and elsewhere, to see whether he could design a similar program.

I note, because we are all concerned about saving money and so on, that the position of the Winnipeg Chamber of Commerce is that the infrastructure renewal program will save money in the long run.

Mr. Gillehammer: As the member knows, I was not in government in the mid-'80s when the member was here.

I do have constituents who ask me about some of the make-work projects that were brought forward in the mid-'80s and what the lasting effects of those projects are. It is difficult to find any lasting benefit from some of those projects.

I can tell you that taxpayers who are wanting on the one hand their taxes kept low are also

interested in job stimulation and certainly are saying very clearly that if government is going to be involved in creating work and jobs, they want some lasting benefits and not simply a signage program that leaves nothing lasting after that money has been spent and, furthermore, not leaving that lasting debt that other governments have to pay in future years.

Rural Manitoba Gasification Study

Ms. Rosann Wowchuk (Swan River): Mr. Speaker, since having been elected to this House my colleagues and I have been very concerned about the lack of opportunity for development in rural Manitoba.

Mr. Speaker, we have been encouraged that this government has said they are proceeding with gasification of rural Manitoba, but I am disappointed that we have not seen any results of their study, although they have made a commitment to it in the budget.

My question is to the Minister of Rural Development. When will we see a copy of the study that is being done on gasification of rural Manitoba?

* (1420)

Hon. Leonard Derkach (Minister of Rural Development): Mr. Speaker, I have great difficulty with the member's preamble, especially in light of the fact that just recently we have seen a petition by a member of that opposition party—or supporting a petition to kill the Ayerst industry in rural Manitoba. Additionally, we saw a question with regard to another development regarding the potential of a ski hill in rural Manitoba.

Mr. Speaker, it appears that every time there is an opportunity in rural Manitoba, members of the opposition find some way to try and scuttle that kind of opportunity, so I have to question their genuine interest in rural Manitoba.

Point of Order

Mr. Speaker: Order, please. Prior to recognizing the honourable opposition House leader, I would like to remind the honourable minister to deal with the matter raised and not provoke debate. I think that is why the honourable opposition House leader is up.

Mr. Steve Ashton (Opposition House Leader): Mr. Speaker, my point of order is that Beauchesne is very clear that answers should not lead to debate, should deal with the matter raised.

I think the minister should deal with the question on gasification, a very legitimate question asked by our member, and I would appreciate an answer.

Mr. Speaker: Order, please. I had already dealt with that matter.

Swan River Area Natural Gas Service

Ms. Rosann Wowchuk (Swan River): Since there is a tremendous amount of interest in developing an ethanol plant in Swan River and this is tied very closely to gasification, can the Minister of Rural Development tell us what is the status of getting natural gas into the Swan River area?

Hon. Leonard Derkach (Minister of Rural Development): Mr. Speaker, there are many opportunities in rural Manitoba, and they exist in value-added processing, whether it is in southern Manitoba or whether it is in other parts of Manitoba. In order to do this, we have to be able to extend services such as natural gas to many of our communities, as well as make water available to other communities, so indeed these plans can go ahead.

Mr. Speaker, we have been working very diligently at making sure we can find ways in which we can extend those kinds of services to rural Manitobans. Once we are in the position where we can make those announcements with regard to those projects being feasible, I will be only too happy to stand up and make those announcements at the time.

Ms. Wowchuk: Obviously, there are no answers for the people in Swan River who are looking for the—

Mr. Speaker: And your question is?

Ethanol Industry Government Study

Ms. Rosann Wowchuk (Swan River): Can the Minister of Agriculture (Mr. Findlay) or Rural Development tell us, since there is this tremendous interest in ethanol development in the province, has this government in any department done any

studies on the value of ethanol production in the province or looked for markets?

Has any work been done on ethanol production?

Hon. Leonard Derkach (Minister of Rural Development): Mr. Speaker, there has been a substantial amount of information that has been gathered with regard to an ethanol industry in our province, with regard to a feedlot industry. If you go back in history, indeed, we have seen the successes of an ethanol plant in this province. If we can extend those opportunities to other communities, we certainly are in favour of that.

Mr. Speaker, it is for that reason that we have put programs in place in this province, such as Grow Bonds, such as REDI, that help industries throughout our province to establish in the rural parts of this province, and we will continue to work toward that end.

Foster Parents Training Support

Mrs. Sharon Carstairs (River Heights): Mr. Speaker, my question is to the Minister of Family Services.

Yesterday, in response to one of my questions with regard to training, the minister indicated that there was some \$571,000 that should be spent by the Child and Family Services agencies for training of foster parents. Of course, what he did not tell the House was that this was not new money. This was money to have been taken from dollars that had been previously spent on service for those children.

Can the minister today table any—and I want to emphasize the word “any”—training program modules presently in effect in Child and Family Services agencies in the province of Manitoba?

Hon. Harold Gillehammer (Minister of Family Services): Mr. Speaker, yes, I did indicate yesterday that 50 cents a day per child, of days in care, is dedicated within the funds that are flowed to agencies to provide that training that was previously provided by the Foster Family Association. We have indicated that all of the functions that were in place before are now in place, and funding has been dedicated to that.

The question of training for foster families was a subject I think we touched very briefly on in the Estimates process, when we did spend some 30 hours on the Department of Family Services.

I do not have items here I could table today, but I would be pleased to provide for the member some of the training manuals that are used by agency staff as they work with foster families.

Child and Family Services Agencies Foster Parent Contact

Mrs. Sharon Carstairs (River Heights): Mr. Speaker, can the minister explain his comment in the paper over the weekend which said that the child and family caseworkers were seeing foster parents on a monthly basis?

Can he explain that, in light of discussions I have had with caseworkers, some of whom indicate that in the last six and a half months, they have not even met 14 or 15 of the foster parents within their caseload?

Hon. Harold Gillehammer (Minister of Family Services): Mr. Speaker, I would take a moment just to clarify my statement. What I did indicate was that the protocol the agencies operate under is that agency staff should be seeing foster parents at least once a month and that contact should be made once a month.

There have been indications that some agencies are not following that protocol. I have indicated to the staff of the department that they should be working with those agencies to be sure there is regular contact and that we work toward that goal of making contact between the worker and the foster family at least once a month.

Mrs. Carstairs: Mr. Speaker, will the minister admit today that the reason why these contacts are not being made is that the caseload is so heavy that they simply do not have the time in their workday, let alone their now limited workweek, to make the contact required?

Mr. Gillehammer: Mr. Speaker, I would reject that. The agencies develop protocols and plans whereby front-line workers work with those families—certainly have tremendous respect for the very difficult work they do with children who come from dysfunctional families, who are placed with foster parents or in institutions to bring them through their formative years.

The agency, I think, in the future has to make a priority of the contact between workers and families. Some workers do that on a regular basis, and part of the supervision that the agency must

provide for all workers is to see that this contact is made regularly.

Mr. Speaker: Time for Oral Questions has expired.

Nonpolitical Statements

Mr. Speaker: Does the honourable member for St. Johns have leave to make a nonpolitical statement? [agreed]

Ms. Judy Wasylycia-Lels (St. Johns): Mr. Speaker, it is with a great deal of pride and pleasure that I rise today on the occasion of the 75th anniversary of the Ukrainian Greek Orthodox Church of Canada.

Mr. Speaker, a meeting of Ukrainian Canadians on July 18 and 19, 1918, at the Ukrainian community hall in Saskatoon gave birth to this church and to an institution that has served its members and our whole community well for three-quarters of a century.

The Ukrainian Greek Orthodox Church of Canada was formed as a result of the dynamic elements of the Ukrainian-Canadian community in response to changing needs in the newly settled communities in Canada. Mr. Speaker, it ministered to both the spiritual and secular requirements as those communities grew and contributed to Canadian society.

Mr. Speaker, recently, we celebrated the centennial of Ukrainian immigration to Canada. The Ukrainian Canadian Greek Orthodox Church has played a significant role throughout much of that 100-year history and has been both a vibrant and vital part of our provincial and national mosaics.

Today we celebrate 75 years of contribution by the Ukrainian Greek Orthodox Church of Canada to the cultural, economic, social and spiritual life of our province and our country. Today, we also celebrate the international contribution of the Ukrainian Greek Orthodox Church of Canada.

At a time when Ukrainian orthodoxy was severely repressed by the Soviet state, the Ukrainian Greek Orthodox Church of Canada was a major force in keeping Ukrainian orthodoxy alive and well and has participated in the re-establishment of that tradition in the Ukraine in the current post-independence period.

So today, Mr. Speaker, is a time for us to congratulate the pioneers, the founders, as well as

the current leaders and members of the Ukrainian Greek Orthodox Church of Canada for contributing so much to our society and enriching the lives of so many individuals. I trust that all members of this Legislative Assembly join me in commemorating and celebrating the 75th anniversary of the Ukrainian Greek Orthodox Church of Canada.

* * *

Mr. Speaker: Does the honourable Minister of Health have leave to make a nonpolitical statement? [agreed]

Hon. Donald Orchard (Minister of Health): Mr. Speaker, I was unable to make this nonpolitical statement yesterday because of the event I attended. It was a very interesting kickoff by the Canadian National Institute for the Blind who are celebrating their 75th year of service to the sight impaired of Canada.

They are undertaking a nationwide tour of a bus, which was in my constituency for, I believe, the first event in the province of Manitoba on this national tour. It is a bus which has been donated and converted to display for all Manitobans the types of technological advancement that are available to the sight impaired of Canada that provide them with, I must say, Mr. Speaker, just absolutely incredible abilities to read books, to read prescriptions and any number of materials.

Where one's sight is totally lost so that they have no sight whatsoever, the technology moves from a sophisticated magnification system for the severely sight impaired to one where you can lay a book on top of a scanner and a voice synthesizer intercoupled with a computer will read the book to the sight impaired. It is just an absolutely marvellous display of technology that is the leading edge and has been sponsored by the Canadian National Institute for the Blind.

Sir, the reason I make this nonpolitical statement is twofold, firstly, to congratulate the CNIB for 75 years of incredibly marvellous service to the sight impaired of Canada. One might remember that the history of the CNIB commenced post-World War I, where a number of our veterans returning from the First World War had lost in part or in whole their sight because of their service in World War I, and that was the genesis of a very unique world organization which has served Canadians exceedingly well.

Secondly, the reason I make this nonpolitical statement is that this bus is touring Manitoba and will be at communities such as Thompson and, I believe, Brandon, Winnipeg, Portage la Prairie and Dauphin, and a number of other communities throughout Manitoba.

I would take this opportunity to encourage all members of the Legislature, if they have the opportunity, to take the guided tour of this bus. It is truly a marvellous display of the kind of technological advancement that is available to help assist in independent living by sight-impaired Manitobans and Canadians.

* (1430)

Committee Changes

Mr. Neil Gaudry (St. Boniface): Mr. Speaker, I move, seconded by the member for Crescentwood (Ms. Gray), that the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows: River Heights (Mrs. Carstairs) for St. James (Mr. Edwards).

Motion agreed to.

Mr. Edward Helwer (Gimli): Mr. Speaker, I move, seconded by the member for Sturgeon Creek (Mr. McAlpine), that the composition of the Standing Committee on Public Utilities and Natural Resources be amended as follows: the member for Lakeside (Mr. Enns) for the member for Steinbach (Mr. Driedger); the member for Turtle Mountain (Mr. Rose) for the member for Gimli (Mr. Helwer); the member for Lac du Bonnet (Mr. Praznik) for the member for La Verendrye (Mr. Sveinson); the member for Roblin-Russell (Mr. Derkach) for the member for Portage la Prairie (Mr. Pallister).

I move, seconded by the member for Sturgeon Creek (Mr. McAlpine), that the composition of the Standing Committee on Economic Development be amended as follows: the member for Springfield (Mr. Findlay) for the member for Arthur-Virden (Mr. Downey); the member for St. Vital (Mrs. Render) for the member for Emerson (Mr. Penner); the member for Gimli (Mr. Helwer) for the member for Lac du Bonnet (Mr. Praznik).

Motions agreed to.

ORDERS OF THE DAY

Hon. Clayton Manness (Government House Leader): Mr. Speaker, would you call the bills in

this order, please: Bills 51, 35, 45, 47, 50 and 52. If there is time after that, maybe we can consider report stages after that.

DEBATE ON SECOND READINGS

Bill 51—The Municipal Amendment Act (2)

Mr. Speaker: On the proposed motion of the honourable Minister of Rural Development (Mr. Derkach), Bill 51, The Municipal Amendment Act (2); Loi no 2 modifiant la Loi sur les municipalités, standing in the name of the honourable member for the Interlake, who has 34 minutes remaining.

Mr. Cliff Evans (Interlake): Mr. Speaker, I would like to just complete my few comments on Bill 51 so that some other members may want to debate the bill and pass it on to committee.

Yesterday I was in the process of making a sentence: Now, the municipalities do not have the option of not appointing their own or not requesting auditors to put tenders in. If they do not get their own auditors, the government would, of course, appoint auditors for them, the grace of time permitting. I believe it is six months.

The concern there again is the fact that for those remote communities, municipalities, jurisdictions, of course being in a location that is of great distance for auditors to travel and that, I think that is one of the concerns that we do have. It may become a problem in future for these communities.

I had the pleasure of going over Bill 51 with the honourable member of St. Boniface (Mr. Gaudry) and the minister's staff. I have had discussions with the MAUM people and the UMM executive on this bill, on these changes, and there really is not anything that we can see, that I can see, will be a problem for the future for municipalities.

I know that most municipalities have put resolutions in and worked with the government to make some of these changes. The one part that I questioned was section 712.1 where the municipalities requested immunity from action on a nuisance at one of their conventions. In Resolution 3, they had requested this provision for absolving municipalities from liability in whole or in part from nuisance claims.

Mr. Speaker, I had a problem with that. I have received information. I do not see a problem now with it; I understand it a lot better. It still leaves open the fact that with municipalities we are not

sure exactly how much liability they would be responsible for in case of a sewage backup or a claim of nuisance, and it created some problems between them and their insurers and, of course, anybody who would claim any liability against a municipality.

Mr. Speaker, I know there will be some representation in committee on Bill 51. I have had the pleasure of dealing with the municipalities and the minister's department on this. I do not see a problem with it. I know my colleague from Swan River would like to make a comment. If she has something more to add, she may do so.

Mr. Speaker, as far as I am concerned, it can go to committee, and I thank you for the opportunity.

Mr. Nell Gaudry (St. Boniface): Mr. Speaker, I rise to speak on Bill 51. It gives me great pleasure. I would like to thank the minister and his staff for giving us the briefing.

Since 1988, the government has introduced legislation which has made a number of modifications to The Municipal Act. Most of these changes or improvements were intended to meet the needs of those most directly affected by The Municipal Act.

Mr. Speaker, changes to the old act are largely generated by request from the association of municipalities. Many of the changes merely bring policy elsewhere in the province in line with what exists in Winnipeg, for example, in the case with 317(3) which gives the council of a municipality broader powers of expropriation for urban renewal and development, which they did not have the power for before.

Mr. Speaker, the act also allows a municipality to appoint their own auditor, I think which is very important. This was previously done by the province, even though it was the municipality who paid for the auditors.

The only somewhat contentious issue or change is an addition in 712.1—I think the member for Interlake (Mr. Clif Evans) mentioned it—designed to eliminate the nuisance claims about sewer and water problems. The clause states that an individual cannot bring an action against the city for anything the city does under the act without negligence. This may be seen to mean an individual has to prove the municipality is negligent before that individual can begin a suit for damages. This seems like a lot of protection for a municipality

wanting to avoid negotiating a damages claim out of court.

(Mrs. Louise Dacquay, Deputy Speaker, in the Chair)

* (1440)

Madam Deputy Speaker, when the Minister of Rural Development (Mr. Derkach) presented this bill to the House, he mentioned that much consultation between the rural municipalities and urban municipalities had taken place in order to effect these changes. I feel the consultation is very important in order to bring forth the legislation that will meet the needs of the community. However, public input is also very important.

Madam Deputy Speaker, I will be the only one speaking on this bill. We are prepared to let it go to committee and see that it goes through the legislation in this session. With this, I conclude my remarks.

Ms. Rosann Wowchuk (Swan River): Madam Deputy Speaker, I would like to just make a few comments on Bill 51 before we pass it to committee.

Madam Deputy Speaker, as my colleague from the Interlake has indicated, many of these amendments that are brought into the assessment act are amendments that have been asked for by the various municipalities and have been lobbied for by the municipal bodies. We have very little difficulty with most of them. There are a few areas of concern, not major concern, but some concerns that I have with what is happening within rural development and some of things that are happening under this government's jurisdiction as it relates to rural Manitoba.

I guess that, when I first saw the two bills that were brought in by the Minister of Rural Development (Mr. Derkach), I was quite disappointed that the minister did not take the opportunity to address a concern that has been raised in the Swan River area and one that I have raised with this government since I have been elected to this House, and that is the issue of the taxation on the Swan River airport.

As you are aware, I tried to raise that matter under a private member's bill, but I was not able to do that. I have raised it with the previous Minister of Rural Development and this Minister of Rural Development, and I was quite sure that, when amendments were being made to The Municipal

Act, either one of the amendments, the minister would address those concerns. I am disappointed that he has not taken that opportunity to address a minor change that would have taken place that would have benefited the people of the Swan River area and all the surrounding municipalities.

I would hope that he would have taken this suggestion very seriously from the people, but we are not seeing any action. I can assure him that we will continue to lobby very hard over the next little while to have the changes made. Perhaps, when he is looking at the review of the whole Municipal Act, he will give very serious consideration to the concern of not only the people of the Swan River area, but I believe that there are other areas that also have the same situation in them. It is not fair that one community—namely, the community of Neepawa—should have the exemption, the ability to have exemption on their airport, but the other parts of the province do not have that ability. So I would encourage the minister to address that concern very soon.

The one part of the bill that I am pleased to see is brought in is the ability for municipalities to invest their money in different ways. I recall a time when I was on council, and we had an administrator who was quite shrewd and had the ability to invest money and, in fact, did invest money in some areas where they should not have been invested in. He, in fact, got his hands slapped quite quickly by the auditor.

As a municipality, we made some fairly good investments, but they were not legal. This amendment will give all municipalities the ability to have the flexibility to make investments in different areas and generate some revenue, because certainly they do need revenue. With the cutbacks that we have seen this government make to municipalities, the offloading we have seen them make, the municipalities have to be aggressive and look at ways that they can be resourceful and raise some revenues, so this will give them the opportunity.

As I say, Madam Deputy Speaker, municipalities have certainly felt the impacts of the actions of this government, particularly in the offloading of roads which took place a few years ago. I look at those offloading of roads. In my constituency, that was a great concern because, with some of the roads that were offloaded, the municipalities just felt they could not maintain. They were beyond their ability.

That, in fact, is happening right now in the R.M. of Ethelbert. One of the roads that were offloaded into the R.M. of Ethelbert was devastated by the flooding. It is just an indication that with some of these roads, if there was not the disaster assistance funding, the municipalities would just not be able to pick up these extra costs. Certainly, the municipalities are feeling impacts in other areas, Madam Deputy Speaker.

The area of the municipalities having the ability to appoint their own auditors seems to be fair in giving the municipalities more power, but I wonder if there will be difficulty for some of the municipalities that are in more remote areas for them to find auditors in their communities, and if that is the case, whether the department will still be able to be of assistance or appoint them. I also am concerned that this could be of higher cost to some municipalities than they were when there were government-appointed auditors, and that will be something that will be interesting to follow.

Certainly, I think that it is very good that all of the reports—and I do not know if this is a change or whether you always had to have all reports available to the public. If it is a new change, then I commend the government for making that change because many people are interested in what all the other boards and committees of the local government are doing.

The area of immunity from nuisance, if this is bringing it in consistency with the other parts of the province, then I think that is a good amendment.

When I have talked to the municipalities in my area, they are in support of most of the changes. I have not heard very many negative comments about what is being brought forward in this legislation. We look forward to it going to committee, and certainly once the changes are made and there is a problem for municipalities, we will certainly bring those problems to the minister's attention and work towards getting them rectified.

So, with that, Madam Deputy Speaker, I will close my comments. Thank you.

Madam Deputy Speaker: Is the House ready for the question? The question before the House is second reading of Bill 51, The Municipal Amendment Act (2). Is it the pleasure of the House to adopt the motion? [agreed]

Bill 35—The Fisheries Amendment Act

Madam Deputy Speaker: To resume debate on second reading of Bill 35 (The Fisheries Amendment Act; Loi modifiant la Loi sur la pêche), on the proposed motion of the honourable Minister of Natural Resources (Mr. Enns), standing in the name of the honourable member for Dauphin (Mr. Plohman).

Is there leave to permit the bill to remain standing?

Some Honourable Members: No.

Madam Deputy Speaker: Leave has been denied.

Mr. Steve Ashton (Thompson): Madam Deputy Speaker, I will only be speaking very briefly on this bill. The reason I do want to speak is because I represent a number of communities that are very dependent in terms of fishing, and I want to indicate, first of all, that it is pretty tough times for a lot of fishermen in my constituency. This is reflected in low prices. It has been something that has been hurt significantly, an industry hurt by cuts in terms of the freight subsidy that took place two years ago. I have many people who are currently faced with quota restrictions for conservation measures; it is a very tough situation for many people in the fishing industry.

My view in this bill is that when we are dealing with quotas, there has to be consideration of possible impact in northern Manitoba. I know the minister is saying this is largely aimed at the larger fisheries on Lake Winnipeg, and indeed it will be interesting to follow what has happened in the fish in that area.

I do want to indicate that we feel that if there is going to be any sale quota system, there should be some opportunity for local communities to have right of first refusal, first option. That is important. I think it is important to keep control of the quota within the resource areas of the local constituencies, Madam Deputy Speaker, and this is something we will be continuing to raise in committee.

* (1450)

With those comments, I want to stress again the very difficult situation facing commercial fishermen at the current point in time. I think all too often when we look at the fishing industry we look at the

coastal fishing industries; we do not look at the freshwater situation.

I want to take this opportunity on this particular bill to really ask the government to look very seriously at some of the concerns being expressed by people in the fishing industry. I have pursued some of these with government representatives. We will be doing so in the future, but something has to be done if we are going to save a very important source of employment for many communities, particularly in northern Manitoba.

Ms. Rosann Wowchuk (Swan River): Madam Deputy Speaker, I would just like to make a few comments on this bill before we let it go to committee.

Many of my communities are affected by the fishing industry. There is the community of Winnipegosis, Camperville, Duck Bay, the reserve of Indian Birch, Shoal River and Red Deer Lake and fishermen from other communities. Certainly, as the member for Thompson has indicated, right now the fishermen are going through a very difficult situation.

There are many problems within the fishing community that the provincial government should be addressing and also that should be raised with the federal government, but unfortunately these matters have been raised many times. The difficult economic situation in those communities has been raised, but to no avail. The whole problem of stocking the lakes and the freight assistance removal in some of the communities is making it more difficult.

The unemployment insurance requirements, the people from Winnipegosis, Camperville, Duck Bay raised those matters with the Minister of Natural Resources (Mr. Enns) and asked that he would address these with the federal government to try to get the inland fishermen the same kind of treatment as the fishermen on the east coast, but to no avail. We have had no answers on those very pressing issues, but instead we have a government that is bringing in legislation that will affect these fishermen, allow for the sale of quota, but they have done very little consultation. I think that is one of the issues that has to be addressed.

Before this kind of legislation is brought in we have to allow the people to have input. I think that should happen before this legislation is passed. The government representatives should go to

those communities and see what the impacts are. As we understand it, the request for the sale of quota has not come from the fishermen. In fact, it has come from the banks. The CEDF and other financial groups are the ones that are lobbying for the sale of quota. That causes great concern.

I think, Madam Deputy Speaker, that before this legislation can pass, there has to be more consultation with the communities. We have to be assured that the communities have the right of first refusal, that is, that northern communities can have control. There is a real concern that when the opportunities to sell quota arises, some of these people are desperate right now and may sell off their quota and then when the price of fish improves or the prices go up, they will not have the ability to make a living off these lakes. There is a concern that the control of all the quota could fall into the hands of a few.

As I say, there is a desperate situation. People need money. They may decide to sell their quota and then not have the ability to make a living. So, if someone else has a control of that quota, when the prices are high, they may come in there to fish. When the prices are low, there will be no economic activity in those communities and that will only intensify the problems that we have in those communities.

Another concern is the whole issue of First Nations and their right to quota. What will be the impact on the First Nations, if the quota is sold and it leaves the community, if this is a violation of the rights of the First Nations people who do have the right to sell fish? If that quota is sold off, are their rights being violated? Is the government going to end up buying back this quota to meet the requirements of the First Nations people? So I think we have to look. The government has overlooked that part of it. They have not addressed the part of treaty rights, and this could be an oversight on their part.

Madam Deputy Speaker, there are some serious concerns with this bill, and I do not think the government has done its work on it. When we get to committee, we will be bringing in some amendments to the bill. I hope that the government will give those amendments serious consideration so that if this bill passes, it will at least meet some of the needs of the people in the community, and assure that the economic activity stays in those communities, particularly when we look at the high

unemployment rates in many, many of those communities. We want to see economic activity there. We do not want to see everything drained off as we have seen in other instances.

With those comments, Madam Deputy Speaker, I close debate.

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

The question before the House is second reading of Bill 35, The Fisheries Amendment Act. Is it the pleasure of the House to adopt the motion? [agreed]

* * *

Hon. Darren Praznik (Deputy Government House Leader): Madam Deputy Speaker, to accommodate some work of the House leaders, I would ask if you could please call, instead of Bill 45, Bill 47, The Residential Tenancies Amendment Act (2).

Bill 47—The Residential Tenancies Amendment Act (2)

Madam Deputy Speaker: To resume debate on second reading of Bill 47, The Residential Tenancies Amendment Act (2) (Loi no 2 modifiant la Loi sur la location à usage d'habitation), standing in the name of the honourable member for Transcona (Mr. Reid).

Is there leave to permit the bill to remain standing?

Hon. Darren Praznik (Deputy Government House Leader): Yes, I believe we will grant leave to allow the member for Transcona (Mr. Reid) to speak after the member for Burrows (Mr. Martindale) during the course of the debate today, but not to leave it standing.

Madam Deputy Speaker: Agreed? Agreed and so ordered.

Mr. Doug Martindale (Burrows): I knew that I was going to be speaking on this bill today, and so I was thinking about it this morning, but I was thinking about how irrelevant it seemed to have to come here and speak today in debate, since this morning I was working at Habitat for Humanity, as I was yesterday along with my colleague the member for Point Douglas (Mr. Hickey). I believe that the Minister of Housing (Mr. Ernst) was there yesterday, and our Leader, the member for Concordia (Mr. Doer), was there yesterday, along

with former President Jimmy Carter and about 700 volunteers.

It seems much more satisfying to actually work on building a house than to debate legislation that affects tenants, even though this legislation will affect thousands of people. There is a great sense of satisfaction in actually building a house and seeing the results of your labour, as compared to speaking when you very seldom see the results of your labour other than in print form in a bill, although I would certainly say that housing legislation has a great, great impact on a very large number of people.

Nonetheless, it is thrilling to be on a work site and see 18 houses being built all at once, especially the first day when all you could hear at eight o'clock in the morning was the sound of nails being pounded and nothing else, just the sound of—well, I do not know whether there were 700 people, but I think there were about 10 to 20 people on each work crew working on 18 houses simultaneously.

By the time I left yesterday at noon we had the roof trusses up on our house. This morning when I got back they had shingled the roofs, and we were working on drywalling when I left at noon today. When I go back tomorrow, they will probably have the drywall all taped.

It is really quite amazing to see people move into a house on Friday afternoon or Saturday morning that was only a foundation and a floor on Monday morning. So I commend all the volunteers and the other members in this Legislature for being a part of that.

* (1500)

The housing legislation, The Residential Tenancies Amendment Act (2), Bill 47, has a very interesting history. The Minister of Consumer and Corporate Affairs (Mrs. McIntosh) referred to some of that history, and I would like to do the same because it has had a very long and interesting history. In fact, the Minister of Consumer and Corporate Affairs made some unfair comments about my party and what we did or did not do during our term of office. Her memory was rather selective, because she failed to point out that in 1982 the government of the day, the Pawley NDP government, brought back rent control, which was a very significant piece of legislation. They brought it back because the Sterling Lyon Conservative government had removed rent control, I believe, in

1980. So that was the first major piece of legislation affecting tenants that the NDP brought in in 1982.

In 1985, they appointed a landlord and tenant advisory committee, a review committee, and I was an alternate delegate on that committee representing low-income tenants. It was very interesting to be a part of that process and to sit down and talk with representatives of landlord organizations and property manager organizations and civil servants. The review committee tried to act on the basis of consensus, and so, in our final report, the recommendations were either based on consensus or near consensus. Most of those recommendations were accepted by the government of the day who drafted legislation but were not in government when it was brought forward.

One of the major parts of this bill has to do with security deposits. Certainly, security deposits were one of the more controversial items that were discussed by that committee, along with things like condition reports. It is very interesting to be on a committee where people have somewhat different interests and different viewpoints. The small landlords were represented by the Manitoba landlords league and the large landlords were mostly represented by the Property Managers Association, and there were middle-income tenants and low-income tenants represented.

On some things, we had agreement. There were things landlords asked for that they got sometimes because tenants made concessions. There were things they asked for that they did not get. Similarly, with tenants, there were things tenants asked for that they got, and there were things tenants asked for that they did not get. So there was some horse trading. There was a great attempt to balance the interests of landlords and tenants, and I would say that the original Residential Tenancies and Consequential Amendments Act which was proclaimed September 1, 1992, was really a compromise, and I think a rather careful balancing of the interests of landlords and tenants, which I think is why it got all-party support when it went through this Chamber on December 14, 1990.

But some things naturally were controversial, for example, condition reports. The property managers said, we do not want condition of suites reports to be mandatory because we already do

them. It is widespread in our industry. And the small landlord said, no, we do not want to do this. The tenants said, we think it should be compulsory for all landlords and tenants that they must fill out a condition report on the condition of a suite before moving in, and the result in the act is really a compromise of those two positions.

Similarly with security deposits, particularly low-income tenants who feel that many, many landlords take advantage of them over their security deposits. Low-income tenants and their representatives on the review committee wanted the security deposit provisions to be tightened up considerably and wanted ideally for the department to hold all security deposits in trust. There was some support for that position by civil servants, because they knew firsthand some of the problems.

One of the problems that we had proof of from our experience in the community was trying to track down security deposits, particularly when a company was owned out of province or when buildings changed hands and the security deposit did not seem to be readily available.

In fact, I had experience in that regard because I represented a tenant who moved to Vancouver, and it took two years to track down a security deposit in the amount of \$60.

This tenant had lived in the same building for many, many years and so had put down a very small security deposit maybe 10 or 15 years previously. It took two years to get it back plus the interest because the department had to trace the ownership of the building and try and get the security deposit back from whoever was responsible for it.

I remember very clearly the staff on the review committee saying that a third of all their staff time was spent tracking down security deposits, so they were very sympathetic about tightening the provisions around security deposits.

So we saw a major change in that area where all landlords were required to put security deposits in a trust account or to have a bond or some other kind of security or surety for that amount of money so that when tenants moved out the money would be there.

Now I understand that one of the reasons for this bill is that landlords were given a one-year grace period to set up those security deposits in trust, and

since the bill was proclaimed September 1 last year, the deadline was September 1 this year.

I think that the real reason for the major change in here around security deposits was that some landlords did not have the money to put in the security deposit because they have been using it for operating funds.

In fact, that is something that tenants groups and their spokespeople and myself and others alleged in the past that the landlords frequently did not have the money when tenants moved out because the money was not there because the landlords were using it for operating expenses.

In fact, I did a little bit of research on this. I phoned my landlord and I said, what do you think of this change? Are you in favour of it? Do you think it is a good change? He said, oh, yes, I like that change in this bill because now I can use that money for my operating expenses. He proved what we had been saying all through the 1980s, that landlords used the money for operating expenses, did not have the money in the bank, so it was not there when the tenant moved out. This may not be a problem for large companies who have a large cash flow, but it was certainly a problem with small landlords, the slum landlords who were taking advantage of their tenants.

This becomes a severe problem with people on social assistance, because if they move out and they do not get their security deposit back, if they are entitled to it because there has not been any damage, then where do they take their money for the next security deposit? The social assistance rules have been considerably tightened up on this. They used to give you a second security deposit. They do not anymore. You have one, and if you lose it, the money is deducted from your cheque.

What are people to do? The only discretionary funds they have are either food allowance, special needs—no, pardon me, food allowance or household needs or personal needs. Those are the only three discretionary items in a welfare budget. The largest one is food, so they take the money out of their food allowance for a security deposit for the next place to live. Then what do they do to eat? Well, they make the rounds of—or they go to a food bank to help get them through the month.

It may seem like a small issue to the majority of people who maybe have the money on hand or can

get the money or have a stable income or a large enough income that they can replace the security deposit. When people are very poor, when people are on social assistance, it becomes a major hardship. I know this from personal experience, from working in the community with these people and hearing their stories.

Security deposits have always been an important issue, and they continue to be an important issue. So why is this government doing it? I think they are doing it because of pressure from their landlord friends who did not have the money, who did not want to set up the trust accounts and had a deadline of September 1. I believe this government is letting them off the hook.

I have talked to staff. I have been briefed. I have been told that the reason for this change is that they only want to deal with the bad actors, that they only want to have tough provisions in this bill in order to call in the security deposits of the landlords who are trying to take advantage of tenants. Perhaps, when we get into clause by clause, we can look at this bill and see whether that is actually going to happen, whether this bill does give the Residential Tenancies Branch more authority to actually do that. We have been told that they do, but I wonder about that.

When this bill was introduced, I asked the minister in Question Period, who was consulted, what tenant groups, what landlord groups? The minister refused to answer those questions. I was disappointed in that, but that was her choice, although she did tell me later that she would be quite happy to table a list. When she was given the opportunity, she did not.

I suspect that she has met with lots of landlord groups. I do not know of any tenant organizations. There is the housing coalition, but I think there are very few tenants on it. It is a group mostly of people who work in the inner city, work in the community, work for various organizations. They have made recommendations to the minister. I have copies of some of their correspondence, and I think they made some good recommendations, but I think that the overwhelming number of representations made to this minister was by landlords.

* (1510)

Another major concern, particularly of low-income tenants, that I think is not addressed by this

bill—in fact, I would say that this bill makes the situation worse—is that landlords will be compensated out of the security deposit funds for unpaid rent and cleaning. I think this is a significant departure, because I think when you set up a security deposit it should be for one reason only. The only purpose, and I think in the past this has been the only purpose, is to use that money to compensate a landlord where the tenant has caused damage. No one quarrels with that principle, but I believe this is a significant departure when the landlord can use that money for unpaid rent. I would have to compare the act and this bill and see if that is true, but cleaning, I do not recall that landlords ever in the past have been allowed to use security deposit money for cleaning.

Cleaning an apartment may seem like an insignificant thing, but it is not, because unscrupulous landlords use cleaning an apartment either to fleece tenants or to get money that they would not ordinarily be entitled to. Allowing them to use the security deposit to do that makes it much, much easier, much, much simpler for landlords.

In the past when somebody moved out they would send them a bill for cleaning, and tenants had almost no recourse to challenge the validity of the bill. I have had many, many people complain to me saying, look, we moved out and the place was clean and the landlord gave us a bill for \$100 or \$200 for cleaning. Why is he doing this?

I doubt very much if a branch wanted to investigate complaints like this, or if they did, if they had any power to do anything about it. But who is going to monitor this and say it was a reasonable cleaning bill or an unreasonable cleaning bill or whether it actually happened? The tenant is not going to get back in to see the suite. Is the branch going to send somebody out to look at the suite and see whether it was cleaned at all, and if so, whether the amount could be justified? I do not think so. I do not think the branch has that kind of resources. They do not have enough staff to do that.

I think this is a huge loophole for some landlords who are going to take some tenants to the cleaners with their cleaning bill, unfair cleaning bills. We will be watching to see if this new gift, this new loophole for landlords, is going to be detrimental to tenants, particularly low income tenants who do not have the wherewithal to fight for their rights.

Really, what this kind of legislation is all about is about power, and whether or not the government of the day is willing to balance the power relationship between landlords and tenants or whether they are going to tip it in favour. As I said with the original Residential Tenancies Act, there seems to be a reasonably fair balance of power. I think this government is tipping that balance in favour of landlords.

Landlords have always had more power than tenants, regardless of whether there was legislation, because most landlords can afford to hire a lawyer. People who can hire a lawyer have a significant advantage because you do not even have to be an expert. You hire the lawyer who is an expert on your behalf, and lawyers can get a copy of legislation. They can read it; they can use it to the advantage of the person they represent. In almost every case, that is not a tenant. That is a lawyer. Very few tenants will go to the trouble or can afford to hire a lawyer.

There are some changes that have been made that mean people do not need to use lawyers anymore. The Residential Tenancies Act set up a housing court or Residential Tenancies Commission. People can go and present their case in person to the commission, and they do not need a lawyer.

In fact, I went to the commission because I was helping some tenants with a rent increase appeal. It was very interesting because the landlord was there and there were about 20 tenants there. They had two or three people who were speaking on their behalf, and I spoke briefly at the end as well. The tenants really did a marvellous job, Madam Deputy Speaker. They were very well prepared. They had a computer printout of their rent increases for the last number of years for every suite. They had really done their homework. They had done a lot of research as to how much the rent was for each apartment before and after rent increases. Regrettably, they lost their rent increase appeal.

The most fascinating thing was that there was an individual, who got up as a spokesperson for himself and for other tenants, who questioned the landlord. I watched the commissioner, and he had a most bemused look on his face and for a very good reason. I found it bemusing as well, because this gentleman, who actually works in this building and whom I see almost on a daily basis here, did an excellent job.

I am sure he has never been trained in the law, but he was interviewing and questioning the landlord as if he was a lawyer. His questions were dead on. They were just excellent questions. He was really putting the landlord on the spot, and the commissioner just let him go for about 20 minutes or half an hour, asking just a stream of excellent questions.

So that is one thing that I think, at least from my one observation of being at the Residential Tenancies Commission, my experience in my brief and short observations there, that suggests it works reasonably well.

Certainly, it is much easier for tenants to go to a housing court and speak on their own behalf than to have to hire a lawyer and go to the Court of Queen's Bench. Probably they would not be allowed to represent themselves at the Court of Queen's Bench. I think the judge would require that they have legal representation. Well, I should ask my colleague the member for Kildonan (Mr. Chomiak), if someone goes to the Court of Queen's Bench are they supposed to have a lawyer? Would the judge require them to have a lawyer normally? [interjection] They are not required to have a lawyer, but, certainly, people would be at a disadvantage if they went and the landlord had a lawyer and the tenant did not. It would be an unfair contest. The system would prefer that they have a lawyer. So that is one good thing about the Residential Tenancies Commission.

Now these tenants were very disappointed and did not understand why they lost their rent appeal because they thought that they had an airtight case, but most tenants do not realize that what we really have in Manitoba is not rent control but a rent pass-through system, so that if a landlord can justify their costs almost any legitimate capital expense can be passed through to tenants. Most tenants do not understand that until they appeal a rent increase, and then they are forced to confront the law and what it really says in the rent control provisions of The Residential Tenancies Act.

I would like to spend a little bit of time talking about the minister's debate on second reading. I noticed that several times she referred to my absence which is unparliamentary. The rules of this House say that we are not to refer to the presence or absence of members. The Minister of Consumer and Corporate Affairs (Mrs. McIntosh) did that two or three times in the course of her

debate, and I am sorry that nobody corrected her or the chair did not correct her.

The minister mentioned that she had reviewed the legislation which had been in place for 10 months, and as I have already said, I believe that the minister is acting with undue haste. I think, with such a major act, probably waiting a year or two before amendments would have been reasonable.

I think this minister had a reason for doing this now. The reason is that the one-year grace period is expiring on September 1, and this minister was under pressure from landlords to get this changed before the act took effect.

* (1520)

If some smart legal beagle wanted to go to court they would probably win on this, because it is in the act and the grace period is not in the act. I do not think the grace period is in the regulations. I think it is just an understanding between the minister and her staff and landlords that they are given this grace period. If somebody went to court and challenged it they would probably win.

The minister talked a lot about how landlords and tenants and staff had suggested improvements. Well, I am sure that her staff had suggested improvements. I would be particularly interested in knowing which landlords suggested improvements and how many of them and which tenants suggested improvements and how many of them, but I do not think we are going to get that kind of information from the minister. In fact, it would have been much preferable if the minister had set up some kind of review committee with landlords and tenants and civil servants on it to review the legislation, and then we would have felt that there was a much fairer process for introducing these amendments.

The minister talked about the cost of auditing landlord security deposit trust accounts. I realize that anything which is a cost to government, particularly if it is a significant increase, is not desirable. I am wondering if the minister looked at alternatives or if she had alternatives.

For example, if the department holds all the security deposits in trust, then there is interest earned on those trust amounts. Some of that money, of course, would have to be used to give the tenants their interest on the security deposit, but some of it possibly could have been used to pay for the staff cost of keeping the money in the

branch. I think that is one alternative that the minister could have considered.

Another one is that perhaps the minister could have asked the landlords to submit an audited financial statement of either their business operation or their security deposit trust accounts and let the landlords bear the cost of auditing rather than the department. Instead, the minister has chosen to go her own way.

The minister said that the cost of staff for her department was of no concern to the member for Burrows. This is certainly not true, as I have already said.

The minister said that landlords fail to return their deposits very rarely, that they have had very rare cases of this happening. I think there are two different situations. There is the situation of what gets reported to the department by individuals who say, the landlord did not return the security deposit. The other situation is what is happening out there in the community that never gets reported, because there are large numbers of people who do not know their rights. Probably very few people take the trouble of going to Queen's Printer and paying \$12 for an act like this and reading it and understanding it, because it is rather complicated legislation.

People, first of all, do not know their rights. They do not know where to complain, and they do not know what to do, so when they get ripped off they do not do anything. I hear about it when I go door to door in apartment buildings. Other MLAs hear about their problems when they meet their constituents on the doorstep. Some organizations that work in the community hear about these problems. I think, in many, many cases, the Residential Tenancies Branch does not hear from these people.

In fact, frequently I get phone calls in my constituency office from people asking very elementary questions. I have no problem with that. I am there to serve the public. My office is there to serve the public, and we certainly do not mind giving people a phone number. Frequently people do not know which level of government or what department it is or how to look it up in the back of the phone book and even get something which to us seems a very simple thing, and that is the phone number and the right department to phone when you have a complaint or a problem.

Certainly these kinds of people do not know where to phone to complain if they do not get a security deposit back. They do not know their rights, and they do not know where to go. They do not know what the remedy is, and they do not know how to go about getting it.

There are many, many reasons why this happens. I mean, we are talking about people, many of whom are illiterate. Canada has an amazing, a shocking, a disappointing illiteracy rate where a great many people are functionally illiterate. In fact, I am on the Open Doors advisory committee for the Open Doors Adult Literacy program, and there are people from our community, from our neighbourhood who are learning to read and write. Perhaps they dropped out of school early or they never did learn to read and write properly, and now as adults they are going back to school.

Those kinds of people are not going to pick up The Residential Tenancies Act and read it and understand it. The original act had 207 clauses, 119 pages, and this is fairly complicated legislation, as anyone who would compare Bill 47, the amendment that we are debating with the original act, would readily conclude that we are talking about complicated legislation.

So many of those people are functionally illiterate. Many of those people have so many personal problems to deal with, which can best be described as survival, that they do not have time, and they are not going to take the trouble to do something which to us would seem obvious and important, like getting a security deposit back. That is tragic because they take the money, as I have said before, out of their food allowance, and then they are forced to do things like go to food banks. Very, very tragic.

I think there are many more people than this minister is willing to acknowledge out there in the community who do lose their security deposits, who do get taken advantage of by landlords, who are being ripped off. They do not seek a remedy, and they should. There are very understandable and obvious reasons why they do not.

I believe that the Minister of Consumer and Corporate Affairs (Mrs. McIntosh) has a responsibility to educate consumers of rental accommodation, to inform them of their rights, and to inform them of where to go if they need help.

I have been trying to do that as well. In fact, I would like to thank the minister because her staff, when I sent out mail to all the tenants in Burrows constituency, I checked with the director of the Residential Tenancies Branch to make sure that it was accurate, and I appreciate the director of that branch taking the time to check what I had said about tenants' rights for accuracy.

I sent out a mailing to every apartment building and every house that was rented that we could identify in Burrows constituency, and I know other members have done that as well.

Similarly, with these amendments, I would hope that the Minister of Consumer and Corporate Affairs would do some education, not just to landlords who are going to find out about these amendments, but also to tenants so that they know how they will be affected.

An Honourable Member: Can you figure out what to do on that?

Mr. Martindale: We know what to do.

An Honourable Member: How much time left?

Mr. Martindale: The member will be interested to know that I am almost finished.

We know why the government is bringing in this bill. We know who has been talking to them and how they have been influenced to bring in this legislation. We believe that they are tipping the balance in favour of landlords and against the interests of tenants. It is unfortunate that they have taken this view and decided to do this for a number of reasons, but that was their choice. They have done it, and we believe that when tenants find out the true impact of this bill, they are going to be extremely disappointed in the actions of this government.

The minister mentioned that she is giving landlords and tenants more time to resolve security deposit disputes. In fact, I think in several places these amendments say that the amount of time has been changed from 14 days to 28 days. I think that might just give landlords a longer time to earn interest on the tenants' money.

I am going to conclude in talking about the tenants' money. I think what we have to remember, and I do not think the government has remembered this, is that when we are talking about security deposits, we are talking about tenants' money. In Manitoba, I believe the minister said, we

are talking about \$25 million. We are talking about who controls and what kind of controls there are on \$25 million of tenants' money. So any changes that are made have to consider the interests and the rights of tenants, because it is their money.

In fact, you could also argue that it is the taxpayers' money because a lot of this money paid out in security deposits is paid on behalf of people on social assistance and so the government needs to ask, are they getting good value for the taxpayers of Manitoba? In many cases, they are not, because this money is being paid to slum landlords.

It has been estimated that there is something like \$60 million paid in rent to people on social assistance in the inner city in Winnipeg, \$60 million a year. That is a lot of money. I believe that it should be spent wisely and it should be spent to purchase decent affordable housing, not slum accommodation. Regrettably, much of it is going to slum accommodation.

* (1530)

In many cases, this leads to expenses in other government departments. I went door to door in an apartment building last winter where I ran into people who were moving out because it was cold and they could not get the landlord to fix things up. In fact, in January when it was very cold in this apartment building the landlord was in Florida. When I phoned his property manager they said, oh, yes, we will fix it up, or it has been fixed up. When I went back to see the apartment nothing had been done. Almost everybody in that building was somebody whose income was from social assistance and so this government was paying the rent.

In one case there was a mother who was a student at Red River College. Her infant had been sick three times, had been to the hospital and this child had had pneumonia. So here is a direct cost to the Minister of Health (Mr. Orchard) for medical care for this infant because the landlord would not provide heat, would not fix up the premises and the taxpayers were paying money to this slum landlord.

Unfortunately, it was another example of where tenants did not know their rights and did not know what to do. I went door to door with work order requests and told the tenants how to fill them out and where to send them so that the Residential Tenancies Branch could read and enforce work

orders so that there were repairs so that people did not have to live in very, very cold apartments in January.

With those remarks, Madam Deputy Speaker, I will conclude my time on Bill 47, The Residential Tenancies Amendment Act.

Mr. Daryl Reid (Transcona): Madam Deputy Speaker, I am pleased to rise and speak to this legislation, Bill 47, The Residential Tenancies Amendment Act, and the impact that it has upon, in particular, people of my community and others, of course, as the member for Burrows has indicated through his own personal experiences, and the way this legislation will impact upon others that he is familiar with and people he has dealt with over the course of his time as critic for Housing. Of course, he has an extensive knowledge and background in dealing with housing issues, and we rely greatly on that experience for some guidance in dealing with issues that might affect members of our own community.

I look back, Madam Deputy Speaker, to the history of The Residential Tenancies Act and when it was brought into being to deal with issues to resolve, as a mechanism to deal with in a fair and impartial manner issues that might come from time to time into dispute between landlords and tenants. There has been a sheet that has been prepared that reminds us of the history of The Residential Tenancies Act.

In 1985, there was a revisiting of the 1970 Landlord and Tenant Act where the landlords, tenants and government were to investigate and make recommendations on The Landlord and Tenant Act as a means of giving both sides the opportunity to air their concerns and to provide advice to government, so that government might come forward with legislation that would be beneficial to both sides, both the landlords and the tenants.

In 1987, I believe the government released a report that had 139 recommendations. It is my understanding there was a full consensus from all parties that were involved in that report. In that sense, you would think that there might be, from time to time, some areas that would be in dispute where both parties might not agree and there might be a minority report that would be filed, but that was not the case in this, where there were 139

recommendations. In fact, there was a full consensus on all of those 139 recommendations.

In 1988, the government of the day then had announced a bill in the throne speech that was going to come forward to act on the recommendations. Of course, the events of the history are known to most members of the House and to most Manitobans. The government changed, and that bill did not get introduced into the Chamber at that time.

It was over a year later that the new government decided they wanted to bring forward the legislation. They had promised they would bring in the legislation in the spring of 1989. That did not occur. It is my understanding that the then-Minister of Housing waited until September, until the fall of 1989 to introduce Bill 42, The Residential Tenancies Act.

Now, when that bill came in, it acted on some of the recommendations. At that time, it had created some problems for the government of the day, for this particular government, in that it created some problems for the landlords, and the landlords I believe brought some pressure to bear upon the government because they had concerns about specific portions of the bill.

The Minister of Housing promised that the bill would pass during that session. That session carried over of course into the spring of 1990. The minister had said, and there is a quote here: There is not a chance of lifting this bill, we are not going to do it.

So the minister said that he was going to follow through with the bill and that he agreed and supported the legislation. In fact, he went as far as saying that he and his department did not spend 18 months working on it to have it die somewhere. That reference I believe was to do with the bill dying on the Order Paper.

Unfortunately, it was not long after that, I think it was some three days later that the minister, under pressure I believe from the landlords and in fact from his own Premier, withdrew the bill. It may have been that the Premier intervened on behalf of the landlords to actually kill the bill before it passed.

In fact, I think it was the member for Concordia (Mr. Doer), who, three days after that point, after having some suspicions that the landlords had a hand in what was taking place and, in fact, had lobbied the Premier (Mr. Filmon) to withdraw the

legislation, had tabled letters from developers and landlords showing and, in actual fact, proving that the Filmon government had sided with the landlords, overruled the minister and, in fact, killed the bill.

It is unfortunate that special interest groups like that—even after they had been in full agreement with the earlier report, which had 139 recommendations, it was obvious that the landlords had agreed to those recommendations as well, because it was a full consensus for that report—had put pressure upon the Premier to withdraw that legislation, something that the government had agreed to and that the landlords and tenants had all agreed to. Yet the landlords felt because, I suppose, they had a friendly ear in the government benches, that they could put pressure and lobby their friends to withdraw certain portions that they felt were not in their own specific interests.

It was after that time, of course, following the election in the fall of 1990, that the government brought in what we consider to be a revised or watered-down version of The Residential Tenancies Act. Unfortunately, the bill was passed, but it was not proclaimed. We believe that it was a compromise bill. It struck out a compromise position for both landlords and tenants, and, in that sense, we were supportive. Even though we had some reservations about certain portions of it, we thought it was a reasonable compromise.

The minister said that it should have been proclaimed by February of '91, but of course that did not happen. Then there was a cabinet shuffle in 1991, and there was a change in the Minister of Housing, and, of course, the current Minister of Housing (Mr. Ernst) says that work was continuing in completing for the proclamation of the bill.

Now, I am not sure what work was continuing after the bill had passed through the Legislature; maybe it was the regulations that were being worked on. I am not sure, or I am unclear on that part, but we know that, during that period of time when the new Minister of Housing had taken over, it was about the time that the housing authority was abolished, and the minister, in fact, fired some 600 volunteers in this province. So not only was the bill not proclaimed after effective lobbying obviously on the part of the landlords, but they got rid of 600 volunteers for the housing authorities. Instead, the minister still refused to act on that residential tenancies act.

Now, I guess it is something that only the government members, cabinet members, would know, or maybe even the caucus members of the Conservative Party would know, why the government would only listen to one special interest group, and would not want to represent the balanced interest of even members of their constituency who might live in rental accommodations. They chose instead to represent only one specific interest, and that being the landlords.

In other words, in 1992—[interjection] I am surprised that even the Minister of Health (Mr. Orchard) did not decide that he wanted to represent any renters who might be in his community. I would think that since there was a full consensus in 1987 on the part of landlords and tenants, the Minister of Health would have thought that it was a reasonable compromise to protect renters in his own community, but even the Minister of Health senses that it is more politically advantageous for him to represent the landlords' interests than it is his own tenants.

* (1540)

Now, I hope that the members of community who might be in rental accommodations would sense that the Minister of Health, in that sense, was not representing their interests. But I am sure that the Minister of Health will be prepared to explain that to them should that opportunity arise.

In 1992, Madam Deputy Speaker, the debate continued. My colleague the member for Burrows (Mr. Martindale) continued to ask questions about the Minister of Housing why the act was not being proclaimed. The minister kept saying that the target date for proclamation of the legislation had been late spring or early summer '92, but she said that that remained her target. Unfortunately, that did not come to pass. Then the minister said that they were continuing to consult with all groups and planned to have it finished in the spring or summer. Well—[interjection] Yes, it would be nice if there was some sharing, because members on this side of the House are usually used to sharing any goods or any produce that we have.

I know the member for Portage la Prairie (Mr. Pallister) was gracious enough to share produce from his community in the sense of strawberries, by way of the Strawberry Festival. I know that it was a success, and I thank the member for Portage la

Prairie for bringing in the strawberries that he shared with all members of the House.

That, Madam Deputy Speaker, represents a history of the residential tenancies in the province. Now we run into the ongoing problem, and it is a contentious part of the legislation, at least for some members of the industry, and that is the security deposit. Before I get into any discussions about the security deposit aspect, I want to spend a few minutes talking about my own constituency and the rental accommodations in Transcona.

From information that I saw just as recently as yesterday, Transcona is a family-oriented community in the sense that a large portion of it is single-family dwellings. Approximately 70 percent are owned and families occupy those dwellings, but about 30 percent of the people in the community reside in rental accommodations whether it be housing or apartment units.

In fact, during the 1990 campaign and in the times that I have gone door to door within my own community and gone to the apartment complexes in the community, one of the things that I have noticed and in particular in the eastern portion of my community, is that a large number of the rental accommodations in the sense of apartments are occupied by either seniors or single-parent families.

Now I mention that because when I look at the changes to this legislation in the sense where the security deposit will not be protected the way it had been intended under the original act, The Residential Tenancies Act, I think that it is going to create some difficulties for the seniors and for the single-parent families who might not have the financial ability or the wherewithal to bring about any resolution of any conflict that might arise and who might not have either the will or the financial resources to go after the refund of any security deposits that might be withheld by any landlords for various reasons that might occur.

Now had those security deposits been placed into a trust account, it would have given the opportunity for the landlord, if there were problems with the rental accommodations when the people move out, to make some representation to recover any costs. Now it is my understanding in listening to the comments from the member for Burrows (Mr. Martindale) and through some of the questions that have occurred in Question Period and some of the debate that has taken place that this security

deposit fund represents some \$20 million to \$25 million in tenants' security deposit money. If that money had been held in a trust account, it would have been safe and secure so that when the tenants moved out, if there were no problems with the accommodations that were being vacated, those monies would be immediately repayable to the tenants with interest.

Now, with this change that the minister is proposing, it is going to give the opportunity for the landlords to once again use that security deposit money as their own cash flow. I am convinced that is not in the best interests of the people who are renting the accommodations from the landlord.

I would think that with the mechanisms that are in place, from what I know of them and their ability to react to any concerns that either the tenants or the landlords have had, the security deposits that would have been held in trust would have been able to be accessed by any landlords that had any claims to make against those deposits for any damages that might have occurred in the rental accommodations.

This money will be allowed to be used by the landlords as far as a cash flow is concerned, and in that sense one never really knows the financial position from week to week or from month to month or year to year for any of the landlords who now have that money in their trust. They can use that money for the operations of their accommodations, or they can use that money for some other purposes—

Mr. Martindale: Go to Florida.

Mr. Reid: Quite possibly, as the member for Burrows indicates, maybe even taking a trip to Florida. Who knows for what purpose that money could be used?

I do not think that, to the tenants who pay this money up front—in many cases I believe it is one month's rental fee, as much as that as a security deposit—that money should be given and used as a cash flow for anyone operating rental accommodations as a business in that sense for any purpose other than for security deposits.

In that sense I think the government should have stayed with the security trust accounts for any of those monies that were paid to landlords, and I think that the government should continue with that purpose.

Now the government has said that this is a cumbersome provision, and it is difficult to audit, I believe they said. That is the sense. But I think that if you were to canvass or survey members of the public and ask them whether they think these monies should be kept in a trust account, I think the government would find that quite likely, in almost all cases, the members of the public would believe that a security trust account would be the best way to go, and that landlords should not be given the opportunity to use this as part of their cash flow.

I am not sure whom the minister has consulted on this legislation. I know my colleague the member for Burrows has asked questions of the minister regarding whom the minister has consulted. We have asked the minister to provide us a list of names of people who have made representation to the minister's department asking that this legislation be changed.

The minister, to this point in time, to this day, has not come forward with any names. Maybe, as the member for Burrows has indicated, it is quite likely that they could have been Conservative landlords who had put considerable lobbying pressure on the government to change the act to allow the landlords themselves to continue to use the trust account security deposits that tenants would pay to the landlords.

I think, Madam Deputy Speaker, it is important that we keep the trust accounts in place. By way of legislation, we need to have a balancing of the needs of the landlords with the rights of the tenant to have some sense of protection.

* (1550)

That is the purpose, from my understanding at least of The Residential Tenancies Act. It provides that balance. By taking away the security deposit provision from the legislation, it removes that sense of fair play, that sense of fairness that should be there. It removes that balance and skews it in favour of the landlords to use that money now for their own needs.

Of course, as I mentioned about my own community where we have some 30 percent of the accommodations in the community as rental accommodations, the people who are living in there—and as I mentioned, a lot of them are seniors and single parent families—do not have the finances available to them, should they run into

problems to go after the return of their security investments.

I know I have had a few calls to my constituency office and, in fact, at my office here in the Legislature over the course of the last nearly three years now, dealing with landlord and tenant issues. I have had to make use of the office available to have a resolution of any concerns or any complaints that were brought forward to my office. I must admit that the office was very helpful.

In most cases we were able to resolve the issues, but for issues in dispute, quite often I sense that members of the public will not want to go to any great lengths to attempt to recover a security deposit. To a lot of members of the public, that may not be a large sum of money, but to people from single parent families or for seniors, as much as a month's rent that would be held for the use of landlords would be a significant amount. But many people will not be willing to fight the system to get their money back.

Landlords have the opportunity, if there are any problems with damage to the rental accommodations, of legal counsel that is available to them because they have, in a lot of cases, a fairly large cash flow. Of course, they have their Landlords Association that makes representation to the government on various issues, so they can bring forward their concerns there if they want to have any lobbying done or any changes or they have any concerns about the way the legislation is impacting upon them, something that is not afforded to members of the public at large.

I think, Madam Deputy Speaker, with that, it is important that the government recognize that the balance has been skewed now, that the needs of the public are not balanced with the rights of the landlords in this case. I think the government should look seriously at the reasons why they have brought this change forward and that it is not in the best interests of the public at large. I think they should reconsider their decision to bring this change in the security deposit system in place because of the impacts that it is going to have on members of the public.

With that, Madam Deputy Speaker, I thank you for the opportunity of adding my comments on this important piece of legislation.

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

Mr. Kevin Lamoureux (Inkster): Madam Deputy Speaker, I wanted to say a number of words on this particular bill.

I was interested in listening, and the member for Transcona (Mr. Reid) did a good job in terms of representing what has occurred in the last number of years inside this Chamber with reference to the residential tenancies bill itself. I know, as the critic at the time, when it used to be over in Housing, I had many opportunities to ask questions of the then minister. We met with dozens of individuals, including the member for Burrows (Mr. Martindale), who was the head of a housing coalition group at that point in time, met with all sides—landlords, tenants and so forth—in an attempt to try to bring in legislation, because we had agreed with the idea of consolidating the two acts and making some very positive progressive reforms so that both tenant and landlord would be the benefactors of it.

In fact, I can recall the report. It has been a couple of years since I have seen it last, but there was, in fact, a report—and the member for Transcona (Mr. Reid) made reference to it—back in '87 that was brought forward to the then-Minister of Housing. We had asked the question in terms of those 130-plus recommendations. Not all of them were 100 percent or a full consensus, if you like. There were some dissenting opinions. The report itself just made a report on the recommendations that had passed through on that particular committee.

That was a good starting point in terms of dealing with the different interest groups and individuals: to take those 130-plus recommendations and start talking about them, because through that we had a number of amendments that we had suggested. In fact, I can recall introducing a private members' bill on behalf of the Liberal caucus at the time that would have seen, I believe, more tenant protection. By protecting the tenant, you are also, Madam Deputy Speaker, protecting the interests of the landlord. It was something that we had spoken out on on a number of different occasions. That was, of course, the damage control within the units, damage report.

We suggested that they should be mandatory so that when you move into an apartment block you would fill out a form, and that form would, in fact, have to be filed with the department. Ultimately, we did get a compromise from the Minister of Housing, even though it was not exactly what we

wanted. At least the government at the time was a bit more sympathetic to what it was that we were wanting.

I will give credit to the former Minister of Housing for the efforts that he had put in, because even with the interest groups that I had met with, many of them had expressed with me, or shared with me, that at least the minister was listening in terms of what it was that they felt were problems with respect to that particular piece of legislation.

After the bill had passed, even though it was supposed to pass a while back—but eventually it did pass. After it had passed, we had somewhat expected to see something to come out of it. After all, it is a fairly significant piece of legislation. We have that before us today in Bill 47.

I listened to the Minister of Consumer and Corporate (Mrs. McIntosh) who is now responsible for this bill; previously it used to be the responsibility of Minister of Housing. Why it is that they decided to change it over to the other department, I am not sure.

An Honourable Member: I think he offloaded his responsibility.

Mr. Lamoureux: The member for St. Boniface says, maybe he wanted to do a bit of offloading of responsibilities because of the overwork that the current Minister of Housing does.

I do not know, Madam Deputy Speaker, why it was shifted over. I can recall talking to one fellow, and he had indicated to me—and I do not know how factual it is—but I believe that the Premier, at one time, was the critic for Consumer and Corporate Affairs, and he always believed that that is, in fact, where it should be located. Ultimately, I guess because he is now the Premier, he calls the shots on this and decided to shift it over.

Anyway, Bill 47 changes the provision for the security deposit so that the landlord need not maintain a separate account or forward security deposits to the director of Residential Tenancies. Madam Deputy Speaker, this was, in fact, a very controversial issue that came up before the committee. Presentations were made both, no doubt, to the minister and to both opposition critics at the time. We had felt that this was a positive move in terms of going in this direction.

But what appears on paper or what is being said might make a lot of sense. When you actually implement it and put it into practice, as the minister

in her opening remarks had commented, we have, on the one hand, something that sounds good, but her concern is that we are using a sledgehammer to kill a mosquito. The Minister of Health (Mr. Orchard) will actually be pleased with what I am going to say, because actually I think that the minister to a certain degree is right in her assessment.

I was glad to see that she made reference to this bill setting up a compensation fund for the tenants, so at least it shows that the minister has been able to demonstrate that she is being sympathetic to the tenants, realizing that if you take away this auditing process or the director having to maintain it, it can be somewhat costly to do it. If there is a better way of implementing a change that will address the issue, well, then albeit. Hopefully, what the minister, the current minister is suggesting will do just that, that we will not see the problem that we had prior to the legislation. Only time will tell on that particular issue. Ultimately, if that does occur, then I am sure that this aspect of the change in the bill will be in the best interests of all landlords and tenants.

We know that yearly in Manitoba there is approximately \$25 million floating around in security deposits. That is a considerable amount of money, Madam Deputy Speaker. Part of the concern there was, with all this money, what is being done to ensure that landlords are not abusing it? That is something that this bill does not address. At least in my first reading of the bill, I did not see anything that addressed that.

* (1600)

It is a significant amount of money, the interest that could be derived out of it. If it were being used to help subsidize rental costs, one would be able to argue that it is a positive or that there is nothing wrong with that. So we would have, I guess, liked to have seen something or some reference to this accumulation of tenant dollars in terms of what the government believes should be done with that.

The return of the security deposits is now guaranteed by the government, as I say, which is a positive thing. The bill will also give the department the authority to collect unreturned deposits from landlords through redirecting other rents or placing a lien on the landlord's rental property.

Again, that is important, because under the current legislation, with the landlord giving the

money or handing the money over or having to keep it in a trust account, the government had a sense that they would be able to recover the money. Under this legislation, they are still going to be given that assurance, because they can apply a lien onto that piece of rental property.

Again, even though the minister has taken some action on the one hand, she seems to have been able to address the concern that would have come out of it had she not added in that particular aspect of the legislation. So, again, that is a positive thing.

Madam Deputy Speaker, I know the New Democratic Party has a bill before us, Bill 202, which deals with the establishment of some of the residents associations or tenants associations. We would like to see good, strong tenants associations in all different blocks, not only in the private sector.

I would encourage, in particular, the Minister of Housing (Mr. Ernst) today, that he too should be looking at those large nonprofit houses and complexes in particular and work at building some very strong tenants associations, tenants associations such that we see in, let us say, the Gilbert Park or the Lord Selkirk Park, and look at areas like Blake Gardens, and seeing in terms of what can be done to promote those tenants associations.

In terms of tenants associations in the private sector, we are somewhat limited, as government, to do something in that area. But what is most important is that, if there is something government can do I believe it is more so to ensure that landlords do not manipulate or attempt to manipulate the potential of having a viable tenants association.

Having said those few words, we are quite prepared to allow it to go to committee at this time.

Madam Deputy Speaker: Is the House ready for the question? The question before the House is second reading of Bill 47, The Residential Tenancies Amendment Act (2), (Loi no 2 modifiant la Loi modifiant la Loi sur la location à usage d'habitation). Is it the pleasure of the House to adopt the motion?

An Honourable Member: No.

Madam Deputy Speaker: No? All those in favour, please say yea.

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

An Honourable Member: On division.

Madam Deputy Speaker: On division. Agreed.

* * *

Hon. Darren Praznik (Deputy Government House Leader): Madam Deputy Speaker, could you please call Bill 45 and follow that by Bill 50.

Bill 45—The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act

Madam Deputy Speaker: To resume debate on second reading of Bill 45, The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act (Loi modifiant la Loi sur les armoiries, les emblèmes et le tartan du Manitoba), on the proposed motion of the honourable Minister of Culture, Heritage and Citizenship (Mrs. Mitchelson), standing in the name of the honourable member for St. Boniface (Mr. Gaudry).

Is there leave to permit the bill to remain standing?

Some Honourable Members: No.

Madam Deputy Speaker: No? Leave has been denied.

Mr. Kevin Lamoureux (Inkster): Yes, Madam Deputy Speaker, I wanted to thank the member for St. Boniface for adjourning debate on this particular bill because I was somewhat looking forward to talking on this bill. This is one of those bills that I am going to campaign very hard on, in terms of, I would like to see a free vote.

The member for St. Norbert (Mr. Laurendeau) has a coloured version of what I have, Madam Deputy Speaker. I think it would exemplify even that much more than the black-and-white picture of it, and that is the fact that this bill should never have seen the life of day or the day of life or whatever the proper terminology—

Mr. Jerry Storie (Flin Flon): The light of day.

Mr. Lamoureux: The light of day. Thank you, from the member for Flin Flon (Mr. Storie).

Madam Deputy Speaker, in looking at the emblem itself, you know, I am not necessarily a

great fan of abstract art, but I can say that I do appreciate the time and the effort—and no doubt, I think that, for those individuals, you have to acquire a taste for abstract art. No doubt, there are a number of people—[interjection] Oh, you are darn right, I am going to oppose this thing. When it comes to talking about spending public dollars on abstract art, I do have to call into question in terms of some of the validity of doing that.

For example, we purchased a painting the other day in Ottawa. Remember the painting?—it was well in excess of a million dollars. Again, this is just my personal perspective, but my four-and-a-half-year-old son probably could have done a better job, and we would have given the Government of Canada a better deal.

But, Madam Deputy Speaker, as I say, I am biased when it comes to abstract art. I do appreciate the fact that there are some people who do appreciate that form of art, and I respect that. I know the member for Wolseley (Ms. Friesen) often talks about how wonderful art of that nature is. [interjection] Oh, she has not, no.

For those who like it, fine, but for those of us—and I think I speak on behalf of a vast majority of my constituents. When they see a public purchase of a piece of art that is that bad in the eyes of so many, they look at it as a waste of tax dollars.

I look at this particular emblem and, Madam Deputy Speaker, the beaver is holding a crocus in one of his paws. On the back of the beaver sits a crown, and then we have the unicorn. Where do we have a unicorn in the province of Manitoba?

Hon. Donald Orchard (Minister of Health): Beside the beaver.

Mr. Lamoureux: Beside the beaver, says the Minister of Health.

In looking at the emblem as a whole, Madam Deputy Speaker, I would not put this on my letterhead. I do not know if anyone else would want to put it on their letterhead. [interjection] The Minister of Government Services (Mr. Ducharme) says to put it up—can you imagine this particular emblem being above your head, Madam Deputy Speaker, on the chair that you have the coat of arms on now, or even a bit higher on the ceiling, as the minister says? I would not want to have to look at the chair every day and see something of this nature.

In fact, we have this art in the foyer or in the rotunda area. I think that if the government does not allow for a free vote on this, that should come out of the rotunda, because I do not know if even the public as a whole appreciates that. We should put it in front of the Premier (Mr. Filmon), so that every day he sits here and stands up in response to a question or addresses us on a bill, he has to look at what he has told Manitobans is our new coat of arms—

* (1610)

An Honourable Member: Augmented.

Mr. Lamoureux: Augmented coat of arms.

I remember different debates that occur inside this Chamber. At times, the government made fun of the former member for Assiniboia on a bill that he had introduced. I remember the member for Niakwa and others commenting on another bill that was brought in where time was wasted, if you like. Every so often, you do get some bill in which a political party or individuals somewhat take issue with.

It is amazing the number of things—the Minister of Government Services (Mr. Ducharme) came up with about 20 ideas of what we could do with this emblem. I can honestly say, I do not like any of the 20 that he has suggested. Some Manitobans might have a suggestion, and I am one of those Manitobans who have a suggestion. I believe what we should do on this particular bill is scrap it.

Mr. Storle: Who was the first MLA to say that?

Mr. Lamoureux: The member for Flin Flon, I believe, was the first MLA, because he had first opportunity to stand up, and I was very pleased to hear the member for Flin Flon say that. I am sure between the member for Flin Flon and myself, we could come up with a new home for that thing that is outside in the rotunda area.

An Honourable Member: It is an anchor for Gerry's boat.

Mr. Lamoureux: An anchor for the Minister of Government Service's boat or maybe a nice decoration for the Premier's house or something of that nature. I do not even think we would have to charge him for it, Madam Deputy Speaker. Well, there are a number of ideas that we can do.

What is most important, Madam Deputy Speaker, is I want to hear what the government has to say about this particular bill. I want to hear what

in particular the dean of the Chamber has to say about this bill. I was somewhat hopeful that I would be able to at least influence him to stand up today and talk about this bill. Unfortunately, it is likely going to go to committee, but maybe when we get to the third reading. Unfortunately, it will likely go to committee, unless, of course, we can convert, if there is some indication from the government side. [interjection] A free vote would be a wonderful gesture.

Madam Deputy Speaker, I believe I can honestly say that there is at least one member of our caucus who is sympathetic to it. [interjection] Oh, I am not going to say who that individual is. I will let you do some lobbying, but I believe there is at least one. I will even narrow it down to some degree. I must be honest, I am still lobbying her—and that narrows it down to two—to reconsider the way in which she might be voting on this particular bill.

I encourage the government to have a free vote on this particular piece of legislation, because I have had numerous conversations, Madam Deputy Speaker, with many of the government members. I am not going to put any names on the record, but I have had conversations with them. I can tell you that, with the polling that I have done of this Chamber, if there was a free vote inside this Chamber, in fact this bill would not pass.

I know the Minister of Culture, Heritage and Citizenship (Mrs. Mitchelson) has become somewhat sensitive to the debate on this particular bill. I recall when we were in a committee room, and the member for Osborne (Mr. Alcock) just said about three words, two words: it is ugly. The Minister of Culture and Heritage took such great offence to it. You know, right away she jumped to the defence of the artist and how symbolic it is to the province of Manitoba.

An Honourable Member: Who is the artist?

Mr. Lamoureux: We asked that question, who the artist is, to the minister, and she could not tell us who the artist was at the time.

Madam Deputy Speaker, either way, we would like to see this particular bill have that free vote, because I am more interested at this stage in the game to hear what, in particular, ministers, backbenchers have to say about this bill, if in fact they do support it. The government is not going to fall on this bill if it fails. They might have wasted a

bit of money but think of the long-term ramifications of our having this.

Some people actually use this emblem. I was in the Premier's (Mr. Filmon) office yesterday, and I saw a big poster of it. Some people are going to be using this, and I believe that if we want to have an augmented coat of arms, what we should be doing is going back to the table. Yes, you can tell the artist, whoever the artist is, that we want the beaver incorporated. We want the crocus incorporated. The unicorn, I have a tough time with the unicorn personally, but I am flexible, as you can tell. Let them know in terms of what it is that you might want incorporated into it and have them come up with a couple of ideas.

In fact, Madam Deputy Speaker, one could even be as bold to let artists in the province of Manitoba all be able to participate in coming up with an augmented form of what we currently have of our coat of arms. I believe that we would find something that does the province a better service. It has been pointed out to me in terms of one of the most significant symbols that is missed is the one of multiculturalism.

An Honourable Member: What would you put on there for multiculturalism?

Mr. Lamoureux: What would we put on there for multiculturalism? I am not going to add anything more to this for the simple reason I believe that what is currently here, Madam Deputy Speaker, should be revisited and, at the very least, realigned. I think maybe we might even want to delete some of the stuff that it is not necessary to have on there. I am open to hear from artists throughout the province as to what they believe would enhance the looks and give Manitobans that much more pride in the symbols because symbols are very important.

We all have the coat of arms on our letterhead when we send it out. Why is that? It is because symbolism is very important. We hand out something to dignitaries who come to the province of Manitoba, or individuals who come on tours to the Legislative Building. Individual constituents, whoever they might be, go abroad and take symbols that Manitoba has to be able to give to their friends so that they can be boastful about the province of Manitoba. Madam Deputy Speaker, I think that is positive. That is, in fact, what we want to see. Can you imagine—I know myself I would

not want to hand out something of this nature because once you—

An Honourable Member: I just ordered you 500 pins.

Mr. Lamoureux: The member for St. Norbert has ordered me 500. He can keep them because the moment you hand out one of these the first question you are going to be asked is: What does this mean? What does that mean? Why is the beaver holding the crocus? It is appropriate to have the royal crown on—[interjection] I was not out there participating in it, I can say that much.

I could not defend this, but I noticed that when I was in the Premier's office, Mr. Mantey did a wonderful job in a serious attempt to defend it. My hat is off to him for doing that—Rick Mantey.

* (1620)

Madam Deputy Speaker, I think that we should be as—I do not really want to use that word "collective group," because I know the NDP have a monopoly over that particular word—[interjection] Well, no, what I am saying is that the government is not going to fall if we have a free vote on this particular piece of legislation. That is what I am saying. [interjection] Well, is it an important piece of legislation for the government not to have a free vote? Does it have to be binding to the minister who had asked in terms of the importance of the issue. [interjection] That is why I made reference.

The Minister of Environment (Mr. Cummings) was wondering why it is I might be standing up speaking on this particular piece of legislation and maybe questions in terms of why it is. Is it, in fact, a waste? I can assure the Minister of Environment that it is no more of a waste of our time than when we had the great debate on the spruce tree. I can assure him of that or of the dirty licence plate. I made reference to that at the beginning of my remarks, too.

Madam Deputy Speaker, is it? No, I do not believe it is a waste of time, because I do believe at the very least, it can be a symbolic gesture from government that, yes, we want to have some free votes. It will have absolutely no impact on the policy of this government. It might cause a few hurt feelings possibly for those individuals who would end up voting for it, but I would imagine that there would be some individuals who would vote in favour of it.

Again, I did not go writing down names of members inside the Chamber, but my rough calculation is I have not heard any New Democrats in the off-the-record discussions talk positively about this bill. I have not heard any of them. I do not think any of them are supporting it. Unfortunately, we have one member who is sympathetic in our caucus, but there are a significant number in the government that do not like this bill. If we allow that free vote, I am sure, or at least I feel confident, that this bill will not pass.

One or two egos might be hurt, but the government will not fall over this issue. I think that it would give some hope for individuals who are inside this Chamber that if you are ever going to have a free vote—if you cannot have a free vote on this, Madam Deputy Speaker, what can you have a free vote on with this government? I can understand them—I do not necessarily agree with them—but I can understand why they would say no to a free vote on Sunday shopping, but I do not really buy the argument in terms of why they could not have a free vote on this particular piece of legislation.

Madam Deputy Speaker, if they do not have a free vote on this particular piece of legislation, I would like to hear the comments of a few members of the government side as to why they feel that this is such a wonderful piece of art, that they would like to hand out the pins and put it on their stationery or they want all the tourists to come. Imagine tour guides—[interjection] To ridicule, no doubt. The member for St. Boniface (Mr. Gaudry) might want one to ridicule. Can you imagine the tour guide? The tour guide has to take people going through this building and explain to them why it is that we have the augmented coat of arms in the rotunda.

I have not—maybe I should have before I spoke on this bill, I should have talked to a few of the individuals that would have been doing the explaining. I do not want to explain it to my constituents because, Madam Deputy Speaker, I do not believe a majority of my constituents would support something of this nature. I know a majority of my constituents would not support government dollars being used for this. I can say that when it comes—

An Honourable Member: And we do not know what it cost.

Mr. Lamoureux: We do not know what it cost, because we did ask the question of the minister in committee the other day along with who was the one that came up with the idea, but we were unable to get an answer at that time.

Having said those very few words, Madam Deputy Speaker, I trust that the government and those individuals on the government side that support this particular augmented form of the coat of arms will come forward and speak strongly in favour of it. Those individuals, in particular those individuals that really and truly believe as I do, and that is that it is ugly, they stand up and they be counted on this particular piece, because government is not going to fall if in fact this bill is never seen.

Madam Deputy Speaker, again, having said those few words, unfortunately, it will likely end up going to committee.

Madam Deputy Speaker: Is the House ready for the question? The question before the House is second reading of Bill 45, The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act. Is it the pleasure of the House to adopt the motion?

Some Honourable Members: No.

Madam Deputy Speaker: No? All those in favour, please say yea.

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

An Honourable Member: On division.

Madam Deputy Speaker: On division.

Bill 50—The Statute Law Amendment Act, 1993

Madam Deputy Speaker: To resume debate on second reading of Bill 50 (The Statute Law Amendment Act, 1993; Loi de 1993 modifiant diverses dispositions législatives), on the proposed motion of the honourable Minister of Justice (Mr. McCrae), standing in the name of the honourable member for Wellington (Ms. Barrett). Is there leave to permit the bill to remain standing in the name of the honourable member for Wellington?

Some Honourable Members: No.

Madam Deputy Speaker: No? Leave has been denied.

Mr. Dave Chomiak (Kildonan): Madam Deputy Speaker, I rise on this opportunity to deal with The Statute Law Amendment Act, 1993, as brought in by the Minister of Justice. I can indicate that I will probably be, in fact I will be the only speaker from our side of this House with respect to debate on this particular bill. We will pass it on to committee to have many of our questions answered arising from issues concerning this bill.

Madam Deputy Speaker, generally, statute law amendments are matters of a technical nature that are put through towards the latter part of the legislative session in order to deal with some exigencies. I am going to get to that, but first I want to deal with some of the things that are not in this act, that are lacking in this act.

When one looks through the index, Madam Deputy Speaker, I know it is very difficult dealing with The Statute Law Amendment Act to deal with the principle of the bill, because the principle is wide and varied. I will do my utmost to try to stay within the confines of our tradition in this Chamber in dealing with this bill.

The act amends basically, Madam Deputy Speaker, 110 statutes or variations of those 110 statutes in the province of Manitoba. There are many things lacking in this bill.

When I look at amendments to The Health Services Insurance Act, I am shocked at the lack of action on the government's part in terms of amendments to try to include some of the suggestions that have come from members of this side of the House with respect to the government's so-called health care reform.

Madam Deputy Speaker, we have proposed many suggestions to this government to try to put in place some kind of effective measures so that the public and the caregivers involved in health care could make representations to this government, representations that they are now forced to make on the steps of the Legislature in the form of public rallies. That is the only way this government seems to listen.

When I look at the index to this particular statute and I look at Section 18, I see no reference to public accountability, no reference to allowing the public to make their representations to try to move this

government, to try to move this Health minister, to try to move this Premier, to try to stop this misguided health reform, to try to prevent the destruction of the health care system in the province of Manitoba. I see nary a word in these statute law amendments referring to this.

Madam Deputy Speaker, the single largest consulting expenditure probably in provincial history, the Connie Curran APM contract is not in this Statute Law Amendment Act. There is no reference whatsoever to this single largest consulting expenditure on the part of this government.

Why it is a tragedy is because at the same time that they are paying the Connie Curran gravy train \$3.9 million plus \$800,000 in expenses, probably tax free, while they are doing that, they are taking away from the sick, the elderly and the disabled, their home care maintenance program. There is not a word in there about this, not a single word. It is deficient in this particular amendment.

They are taking away and they are charging a user fee on home care supplies now, on the sick, the elderly and the disabled. In addition, they are charging for the first time in history a payment for ostomy supplies, a very cruel and a very hard-hearted decision. These people, who require that equipment, do not ask to be sick. They do not ask to have to have this equipment but, no, they are forced now to pay a fee on this. It is a tragedy that this government, be it in the general statute itself or be it in Section 18 of this particular act dealing with the Health Services Insurance Commission, did not make reference to this.

Madam Deputy Speaker, I note in this act that the government amends The Prescription Drugs Cost Assistance Act. While it is a technical amendment, what this act does not say, it does not talk about the thousands and thousands of Manitobans who have seen their drug costs rise dramatically since drugs have been delisted. There is nary a word in this particular amendment. When I look at this particular act, when I look under The Prescription Drugs Cost Assistance Act, I do not see a single reference—

(Mr. Speaker in the Chair)

An Honourable Member: Did you find it in any other act?

* (1630)

Mr. Chomiak: Nor in any other act, nor in the 109 sections of this act, Mr. Speaker. I do not see one reference to the government's scuttling and the deindexing of so many prescription drug benefits that have happened, nor do I see the changes to the formulary that have been put in place by this minister because that has been done by regulation and not by statutory amendment. I do not see any reference. We are seeing in this particular period of legislative session, as a result of amendments or lack of amendments in this particular statute, taxes on the sick, the disabled and the elderly, unprecedented in this provincial history. I suggest that the lack of reference and the lack of dealing with matters of those kinds in this particular amendment is cause for all Manitobans to worry about where health care reform is proceeding in this province. Certainly, the public is very concerned and certainly we have seen probably the most serious erosion of our medicare system since the creation of medicare in this province.

When I look through this Statute Law Amendment Act, be it amendments of a technical nature or be it of a substantive nature, I see no reference in dealing with the difficulty. Further, when I look specifically to references of The Licensed Practical Nurses Act, Mr. Speaker, in this act there are amendments to The Licensed Practical Nurses Act, but nary a word about the state and about the conditions of LPNs in our province, no commitment on the part of this government who was supposed to receive some report by the end of June which, like most reports of this minister, have not been tabled, not a mention in this particular amendment about the role, the very important role, to be played by LPNs in our system.

This gap, this lack of reference to LPNs, it is an opportunity for the government to provide its commitment to LPNs, but, no, that is not the case. So as we look throughout this act, particularly in the area of the lack of health care reform in this province, Mr. Speaker, we see over and over again, by omission, a failure to deal with some of the real issues facing Manitobans and a real issue facing the health care system as it presently exists in our province.

Mr. Speaker, the government will be called to account for this lack of activity in the health care system and, more importantly, for the lack of any kind of meaningful public input to health care reform through their lack of reference in The Health

Services Insurance Act under Section 18 of this act through their lack of recognition of the role of licensed practical nurses in our system and for their lack of a comprehensive universal continuation of the prescription drug cost program and their lack of reference in Section 31 of this particular bill to the prescription drug plan as it exists.

When I look at most of the amendments in The Statute Law Amendment Act, most of them are of a technical nature and are not substantively altering any significant statutes. There are some concerns, and I will point out these concerns for reference when we enter the committee stage so that the minister can be advised that we will have questions and perhaps can provide answers at that time as to some of the concerns we might have.

When I look under the reference of The Communities Economic Development Fund Act, and I know in principle we are not supposed to be specific, Mr. Speaker, but just in general I would suggest that there are some significant amendments to The Communities Economic Development Fund Act that deal with the appointment of general managers and operators under the act. That is a fairly substantive piece of law. We will be looking for some direction from the minister as to why that particular reference is in the act.

Further, Mr. Speaker, when we look under The Homesteads, Marital Property Amendment and Consequential Amendments Act, I see some significant amendments dealing with that particular act. I would hope that the Minister of Justice (Mr. McCrae) will provide us with a spreadsheet explaining the significance of those changes because The Homesteads, Marital Property Amendment Act affects virtually all Manitobans and the consequences of that act are significant in terms of the allocation of the assets of a marriage or relationship. Further, The Public Schools Act has a significant amendment dealing with boards of reference and the retroactive validation of laws.

That is something this government has become very adept at, and that is retroactive legislation and retroactive validation of acts, something that we have warned this government about on many, many occasions, most notably the regulations and laws dealing with the Sunday shopping.

More significant, at least of recent concern, is the retroactive taxation that has been imposed by this government on the citizens of Manitoba in terms of

the expansion of taxes of the PST to be collected at the border, to be done retroactively, something that most Manitobans are now aware of, that despite the fact that members opposite talk about no tax increases, this government has over and over and over again piled on taxes in a subtle and insidious way on the backs of Manitobans, be it offloading taxes on property tax owners, be it through the expansion of the PST, be it through the various tax measures that have been imposed on various Manitobans.

So, as I was indicating in my comments, these references and these concerns to the retroactive legislation of The Public Schools Act are applicable and are worthy of discussion when this matter comes to debate during the committee stage of debate. Further, The Real Property Act is significantly amended. I suggest the significance of the amendments under The Real Property Act appear to me, at least on the surface, to be of a kind that are of legal effect and could have a bearing on the determination as to status and title. So therefore I would suggest that the Minister of Justice (Mr. McCrae), at the committee stage, also provide a spreadsheet and an explanation as to the significance of that particular reference.

Further, Mr. Speaker, I note that The Attorney General's Act itself has a fairly significant amendment in terms of the roles and duties of the minister. I would also look towards the minister to provide us with an explanation and explanatory notes at committee stage as to the significance of those changes, because, again, they do not appear to be as technical in nature but rather more substantive. It would be useful for the members of the House to receive from the minister assurances that these are simply of a technical nature, not requiring substantive debate; otherwise, the act itself should have been a separate piece of legislation brought in by the minister.

Generally, therefore, other than those concerns, the specific questions that we intend to raise at the committee stage, and of which we have by virtue of this speech given somewhat advance notice to the minister, we are prepared to probably pass this piece of legislation on to committee.

Just with the closing comments, I just want to reiterate in my closing comments about the many omissions in this bill, most notably the lack of action in health care reform, the lack of action in consulting the public, the lack of action in providing

some kind of accountability to the public to allow them to have input, and to caregivers to the minister, because every day we see in the province of Manitoba caregivers, doctors, nurses, patients and the like, looking for a forum and a vehicle to try to make some kind of impression on the minister and his rapidly disintegrating health care reform action.

* (1640)

That activity and that opportunity is presented and is not apparent in this bill, as well as the fact that the Connie Curran contract—no reference, of course, is made in this bill. Even though it is the single largest consulting expenditure made probably in Manitoba provincial history, in the midst of—

An Honourable Member: . . . there is no legislative authority for it?

Mr. Chomlak: Mr. Speaker, it is too bad there is legislative authority for it, because if there were not, it would certainly be of benefit to the province of Manitoba. We could save that money and put that money into the Home Care Program and put that money into the Home Care Supply program.

Having completed those comments, Mr. Speaker, I can indicate to members of this House that we are prepared to pass this piece of legislation to the committee stage.

Mr. Kevin Lamoureux (Inkster): I move, seconded by the member for St. Boniface (Mr. Gaudry), that debate be adjourned.

Motion agreed to.

House Business

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, on House business if I may, I think if you would canvass the House, you would find a will to waive private members' hour.

Mr. Speaker: Is it the will of the House to waive private members' hour? [agreed]

Mr. Praznik: I would ask next if you could please call Bill 52, The Manitoba Foundation Act. Then followed by the completion of the business on that piece of legislation, I would ask if you could please call all of the bills listed on the Report Stage in the order in which they appear.

Bill 52—The Manitoba Foundation Act

Mr. Speaker: On the proposed motion of the honourable Minister of Finance (Mr. Manness), Bill 52, The Manitoba Foundation Act; Loi sur la Fondation du Manitoba, standing in the name of the honourable member for Wellington (Ms. Barrett). Stand? Is there leave that this matter remain standing?

An Honourable Member: No.

Mr. Speaker: No? Leave has been denied.

Ms. Jean Friesen (Wolseley): Mr. Speaker, I am glad to be able to speak today to Bill 52, The Manitoba Foundation Act, and to put some thoughts on the record on the principle and some of the elements of this particular bill.

The purposes of this bill are to create a foundation as a Crown office, essentially to create a magnet fund which will provide funds for public institutions, specifically in the context of this bill, museums, universities, colleges and hospitals and, at the same time, to provide much larger tax benefits than are usual to individuals and to estates who are making donations to the Manitoba Foundation fund.

Mr. Speaker, from our perspective on this side of the House, or at least in the New Democratic Party, we would philosophically prefer to see this kind of a bill in the context of a policy of fair taxation and a public policy which was committed to public institutions. Both of these areas the government, I think, are moving in exactly the opposite direction, very much directed and aided and abetted by the federal Conservatives as well.

This government and their federal allies have, over the last 10 years, altered the egalitarian principles of Canada. They have shifted the burden of taxation from the upper middle classes to certainly the middle and lower middle classes. The gap between rich and poor and the gap between the kinds of taxes which are paid by corporations and those by individuals has altered significantly over the last 10 years.

Certainly this has happened at the federal level as well as is happening at the provincial level. Though it has not happened to the same degree as it has in the United States, the disturbing trend, I think, for any Canadian is that it is heading in that direction, and we are heading to a society which

will be inherently more unequal than it has in the past.

Secondly, we would prefer to see this bill in the context of a government and a policy which aims at full support for public institutions. Of course, what we are seeing is exactly the opposite. We are seeing the withdrawal of support from public institutions, whether they be colleges or universities or hospitals or, indeed, museums, in the context of this bill. We are seeing a government which is determined slowly but surely to privatize important parts of what we used to think of as our public culture.

On our side of the House and in the New Democratic Party these are principles for which we have always stood, for the support of public institutions where people find themselves equal. You are equal in the public library. You are equal in public schools. You are equal—well, we used to be in the colleges and to a lesser extent in the universities. Certainly that sense of equality, that sense of a communal activity which is providing for our society, support, activities and training, which we could not provide for ourselves individually, and which benefit the community as a whole, those are the kinds of institutions and policies for which we stand.

Gradually we see this government and its allies in—well, not only in Ottawa but, of course, in England and in the United States in the past, we have seen societies move toward increasing privatization, to withdrawing public assistance from formerly public institutions, from making such institutions increasingly more exclusive than they have been in the past, increasingly to creating two Canadas and two Manitobas. In the context of that, Mr. Speaker, I think we must place this bill which does enable greater private support for public institutions. We would always welcome that private support, but in the context of diminishing public support, I think it does deserve great care and great attention in looking at it.

It is my assumption that this bill had its origins in the push from the universities in particular to create foundations that would attract those large donors, those people who perhaps at later stages in their life had estates to dispose of and who were looking across Canada for locations worthy—and indeed they are worthy institutions—to receive their large donations. These are usually people who would have financial advice either from lawyers or from

accountants and they would in the natural course of events look beyond their home province for a repository for their final donations or for locations of their fortunes or of their real property or of their estates.

Manitoba universities in particular found themselves in a competitive situation with universities and colleges in the United States to some extent and also, of course, in Ontario, British Columbia and Alberta. Particularly British Columbia and Alberta had already created similar acts to this in the 1980s and 1990s.

If people were faced with a choice between making a donation to a Manitoba university, where they had the normal Revenue Canada limitations on the amount of tax write-off that could be achieved through a donation, versus this kind of foundation, which creates a Crown agency and enables a much larger write-off, 100 percent write-off of the gift, obviously they would look very seriously at those which offered them the greater financial benefits for the planning of their estate.

So it is an attempt on the part initially of Manitoba universities, and now a much broader series of institutions, to become nationally competitive in the race, and it is a race, although the institutions do not like to think of it in that sense. It is competitive, and it is a race to find the kind of private funding which will support the maintenance and even perhaps the expansion of certain areas of university education.

* (1650)

It is I think particularly important for Manitoba universities because I think they would say themselves that they have been very late in the field of private donations. The eastern Canadian universities and certainly American universities have long had the field in this area and have achieved some very spectacular results.

I would like to congratulate the universities in Manitoba, because even though they were later in the field, they certainly have put an enormous amount of effort over the last 10 years into the creation of quite significant funds for university education. I think particularly we might want to recognize that at the University of Manitoba, for example, one of the areas of great achievement is the contribution of staff, and I do not just mean the teaching staff but the staff generally.

I think if you look across Canada at the support and the donations which have been given by staff to their own institutions, I believe the University of Manitoba still leads the list in that, an indication of the commitment—the staff of that university being of course a very large number—certainly of Manitobans to their own provincial university.

The universities want to expand beyond this base and to at least feel competitive with Alberta, British Columbia, Ontario and to a lesser extent I believe Quebec.

One of the difficulties that Manitoba universities and indeed all cultural institutions in Manitoba face is the declining economy of this province. You only have to look down Broadway or across the road to Great-West Life to look at the changing position of the head offices of the national and international corporations. Citadel Assurance and many others have moved from Manitoba. When you lose those head offices, you do in fact lose access to the kind of donations and continuing support for artistic, cultural, educational and medical endeavours that we have had in the past.

That economic decline of Manitoba I think has a much broader significance for many other areas of our community than we might initially think. Again, this foundation, I think, is an attempt by the universities and other institutions to try to compensate for the economic decline of Manitoba, to try to compensate for the declining revenues that they are seeing from the public sector and from the ideological lack of support I believe for many public institutions in Manitoba that we see from this particular government.

I have looked at the British Columbia, Alberta and Ontario legislation. Certainly the British Columbia and Alberta ones offer us some different approaches to this particular type of bill. I am curious and I do hope when we get to committee that the Minister of Finance (Mr. Manness) will perhaps have some explanations for this.

I believe it was the interest initially of the universities to pattern themselves upon the bill in British Columbia or the bill in Alberta—the two are very similar. These create particular foundations for each university.

Indeed in 1990, for example, when British Columbia created a new university in the North, it added another foundation specifically for that university. Alberta has categories of foundations

for colleges and one for the Banff Centre. It also has individual foundations for each of the three Alberta universities.

I believe, speaking informally and from the perspective of all the universities, not just one university, that this was the preferred route of the university sector at least in Manitoba. I can understand that the government might look at that and say perhaps that there are savings to be made in administration, that there are savings to be made in auditing fees in having one foundation for universities. It is still a puzzle to me, and again I hope to be able to discuss this with the minister when it comes to committee as to why hospitals were added and as to why museums were added.

In particular, I think the addition of those into one large foundation might in the long run pose some problems. So I would like to have the opportunity to discuss with the minister the reasons behind that decision, since it does fly in the face of the Alberta and British Columbia experience or at least their practice, and perhaps there are some difficulties, some advice and experience that Alberta and British Columbia have gained that indeed the minister is codifying in this particular legislation.

His introduction of the bill did not give us any indications of that, but I think that is something that we might want to discuss at a later date.

The purpose of this bill is to encourage and to expand private funding for universities, colleges, hospitals and museums. Here, Mr. Speaker, I think it is important to put on the record some concerns that any institution has when it begins to rely increasingly upon private funding. These are not particularly applied to this bill, but certainly this bill if it does create a magnet fund will, in a sense, magnify these concerns which are always there when we start to rely upon private funding.

Private donations are often given for particular purposes. For example, in the context of museums you will find that it is—I would not say relatively easy anymore, but certainly in the past, it used to be relatively easy to find private donations for exhibits. Rothmans, for example, is often associated with art gallery exhibits. Some of the banks have been very generous in their support of particular exhibits, either at the national gallery or at the Museum of Man and Nature.

Exhibits are flashy. They are spectacular. They remain in the public mind as a form of advertising,

which of course it is for the banks. That is how they decide on where to put their cultural dollars. They do, in effect, evaluate the advertising and the prestige value of each of the institutions to which they are donating. What they do, of course, is to look for the biggest cultural, educational, medical bang for their dollar. That is the kind of business that they are in. So they are looking for things which are publicly visible and which will be publicly acceptable or commended by the population of the day.

So what often happens is, for example, in museums you get donations for exhibits, sponsoring of exhibits, sometimes ones that might last a year. They might last a shorter time and perhaps be very splashy and very memorable. But what you very rarely get, or what is far more difficult to find in the corporate sector in donations is the support for the long term, less glamorous, but absolutely necessary functions of conservation, of storage, of cataloguing. Exhibits cannot be done without this, but so often what happens is that the unglamorous part falls to the public sector, and the private sector in effect supports that which is visible, demonstrable and which gives them a private bang for their dollar.

This has distorting effects upon all institutions and particularly so at colleges and universities. For example, it is relatively easy in the current neo-conservative climate to find donations for graduate work in business, to create graduate fellowships in accounting, to provide for a professor's chair in business administration or indeed in some parts of engineering or in some of the professional fields.

It is far more difficult but absolutely necessary to find the money for the infrastructure, for the libraries, for the teaching assistants, for the laboratories, for the replacement of equipment, but instead of which the private funding is tied to those things which are often the most visible and so that areas such as classics, such as the teaching of fine art, such as the teaching of languages often does not attract that same amount of money. So the institutions themselves, whether they be universities or colleges or museums, do find that their ability to have a balanced program, or their ability to develop programs in new areas which are not attractive to private donors, becomes more of a problem.

The ties that come with private donations are ones which distort, to a greater or lesser extent, the goals of the institutions or indeed the public goals themselves. As I said in the beginning, this is not something which necessarily stems from this bill, but since this bill will enhance and expand the opportunities for private donations, one assumes also that the downside of that, the disadvantages of an increasing reliance upon private donations and the distortion that that often involves for the programs of particular institutions, will indeed be exaggerated itself.

I want also to address the issue of the additions of hospitals and museums to this particular bill. It was my understanding that there was an earlier act which began under Premier Schreyer, called The Heritage Act—not The Heritage Resources Act, but The Heritage Act. That particular act, back in the late 1960s or early 1970s, did provide for something very similar to Bill 52, the universities foundation act.

* (1700)

That bill did enable the donation of real property and personal gifts to the Crown for the purposes of museums and for the purposes of public education and display. Now, I am not clear; I have asked the Minister of Culture, Heritage and Citizenship (Mrs. Mitchelson) in Estimates on this particular issue. Her answer I perhaps was unclear about, but it seemed to me that what she was arguing was that under that bill, there was still only the 20 percent reduction available for the donor, whereas under the current bill before us, there was the 100 percent deduction available from Revenue Canada.

That was in my interpretation of the earlier heritage act. I know it has been little used, but perhaps indeed that may have been one of the reasons it was not used. So I look forward to an explanation from the minister as to why museums have been included in this.

I know indeed that the Museum of Man and Nature is embarking and has been for the past year embarking upon a very large-scale attempt to raise monies for new galleries and for new buildings. We certainly, I think, all wish them well in that. We are well aware that the Museum of Man and Nature is one of the few institutions in Canada as a whole to receive the three stars in the Michelin Guide, an indication of a very significant public cultural institution.

If this bill, which I know they do support, enables them to find and to enhance their funding for that particular expansion and for the new galleries, I think we would all wish them well in this. But I am unclear as to why indeed that could not have been done under the earlier heritage act.

I am also concerned about the addition of hospitals. Now, I have not had the opportunity to consult with all hospitals, but I do know that there are some hospitals to which this came as a great surprise, that there was no consultation with the hospitals. There are indeed some questions amongst the hospitals about the role of their own foundations in this particular bill.

I look forward to the committee hearing, when the minister perhaps will be able to explain his process of consultation with Manitoba hospitals and the way in which this will affect the various fundraising activities which are so very much a part, I think, of the cultural life of Manitoba.

The hospitals, as we know, have been able to co-operate in a number of areas. The trihospitals lottery, for example, has certainly brought together some co-operation in what overall could be considered quite a competitive field in the raising of funds for medical research and for ongoing hospital institutions and projects.

So the addition of hospitals, which sets off this bill from the kind of bills or acts in place in Alberta and British Columbia, indeed, I think have raised some concerns and questions, and I look forward to the minister's account of his consultations with hospitals in this area.

This bill also calls for the appointment of trustees by the government. Again, I have some questions here which I look forward to the minister answering in the committee stage.

It is a narrow group which will be appointed only by the government. It is a group which will receive no remuneration, and I hope the minister would consider some modification of that so that the replacement of wages lost by people who attend, trustees who attend meetings, may indeed be part of this bill. Certainly it would enable a wider representation from the community than a purely volunteer board, unless of course meetings can be arranged for evenings and at times satisfactory to all members of the board.

There is some confusion in my mind about the appointment of trustees to this. Certainly they will

all be appointed by government, but it does seem to leave some loopholes. Again, at second reading I would not go into the specifics on this, but there does seem to be in principle an opening for the co-option of particular members of the board. Again, I look for some clarification from the minister on this.

In particular, I would draw the minister's attention and the attention of the House in general to the selection of trustees. I know that, for example in the Alberta act, the institutions themselves or certainly the institutional fields put forward lists of trustees from which the minister then selects. Such a process is not contemplated in Manitoba. I would like to hear from the minister on why that particular approach was rejected and some indication of the benefits he believes will accrue to the foundation and to fundraising efforts from having trustees appointed only by the Lieutenant-Governor-in-Council with no provision for a reference to the institution or to the institutional fields themselves.

I think also there are concerns, other concerns dealing with the appointment and reappointment of trustees because there is I think some—what would I say—

An Honourable Member: We are all waiting on every word.

Ms. Friesen: Oh, good, I wish I could find the word.

It is not a discrepancy, Mr. Speaker, but it is perhaps a looseness in the bill which suggests that only two people from each of the sectors of the institutional areas, say for example colleges or universities, may be appointed to a committee which will make recommendations to the trustees as a whole. I think there may be some concerns in the community about the relative looseness of that particular advisory approach.

Now the powers of this particular board of trustees will be quite extensive. Perhaps the drafters of this bill were not anticipating a very powerful board of trustees. It is very difficult to tell. I think there are some people in the community who have been involved in this bill, have looked at it as providing a funnel, providing an enhancement of donations that will be specifically tied to specific institutions, that we are looking here at people who are making large donations and who will have financial advice and will have very clear and

specific instructions as to which particular college, or perhaps even which particular program, their donation will go to. In that case, the purpose of this bill, the function of this bill, in fact, will suit them very well, and it will suit the institutions well, and the powers of the trustees will be administrative rather than of a policy nature.

In the long run, Mr. Speaker, it is quite likely, and perhaps even in the short run too, that there are people who will want to make donations to a general field. Suppose, for example, there was a donor who wanted to make a contribution to cancer research, not tied to particular institution. As we know in Manitoba, there are a number of institutions which would be affected by that: St. Boniface Hospital, the Health Sciences Centre, possibly individual researchers at smaller hospitals in the city of Winnipeg or in Brandon. The University of Manitoba or the University of Winnipeg or Brandon University might have research that would affect the overall international picture of the development of cancer research. It is possible that our new community colleges may indeed be developing new technologies; that their staff may indeed become research staff; and that there may be elements there of new equipment that could be developed that would affect cancer research.

So here then we would have a particular choice for the board of trustees, this very narrowly appointed board of trustees, to be selected only by the Lieutenant-Governor-in-Council, with no recommendations from the particular sectors as we find in Alberta. Then they would have to make a decision, and perhaps for a very large amount of money, to distribute it between institutions, to allocate it to particular institutions.

There I think the power of the board becomes very extensive, and the power of that particular board to direct certain areas of university research or of hospital research becomes rather large. This is a board, which is appointed by the minister, responsible only to the minister and which reports only to the minister, and that has an audited report that then eventually will find its way through the minister to the Legislature.

I think there is a narrowness there in the development of public policy for some very significant public institutions in Manitoba. I draw that to the attention of the minister as one of our concerns about this bill.

I think another concern that I am hearing in the community is that perhaps this bill enhances the fundraising opportunities for the larger institutions, be they the larger institutions of museums or hospitals or universities or colleges. These institutions already have an advantage in the sense that they can hire and have hired fundraisers who have been in the business now for a number of years, who have developed ongoing relationships with particular categories of donors. This bill, in fact, enhances the existing opportunities of those larger institutions for donations. So there is a concern, I think, that the balance of private funding may begin to shift to the larger institutions in an even greater way than it does at the moment.

Another area of concern that I draw to the attention of the House is the impact that this will have upon the community foundations. I think every member of the House is aware of the work of the Winnipeg Foundation, of the Brandon Foundation, of the Killarney Foundation. There are community foundations, some large, some small, across Manitoba; some are in the process of being formed, for example, in Dauphin. These are the institutions that are also in that competitive world of looking for these estates and for these donations of real property.

* (1710)

Some of them are based, in a sense, on ethnic groups as well. The Jewish Community Fund is also in the similar kind of competitive environment for private donations. Yet this foundation, the Manitoba Foundation, establishes a very powerful magnet, the 100 percent tax write-off for a donor, and yet it extends it not to the Winnipeg Foundation or the Killarney Foundation or to the Manitoba Jewish Foundation, but it extends it only to the universities, the hospitals and the museums.

I think that is of concern, and I would look forward to hearing from the minister when we are in committee, the consultation process that he involved himself in or his department when he was looking at this particular bill, because the impact, perhaps not in the first five years but over the long term—and of course these foundations are built for the long term—over the next 10 or 20 years there may indeed be some quite marked impacts upon those community foundations which have served Winnipeg and Brandon and Killarney in a very significant way over a long period of time. So I draw the minister's attention to that and I look

forward to the committee hearings where I believe some of these concerns can be raised.

I am also concerned, at one level, of course, there is the question of why at hospitals, why at museums? Museums, I think there was an existing act which perhaps dealt with some of their concerns. Hospitals, I look forward to the minister's arguments for putting it into one fund with universities and colleges, and the process of discussion that was involved in that.

But I am also concerned if we are to have an omnibus foundation, and it looks as though that is what we are creating here, why the exclusion of cultural organizations and, for example, archives, or municipal corporations? Why, for example, cannot an artist—never really, certainly in the case of Manitoba artists and writers, do not make excessive fortunes over their lifetime, but they do have a fortune in their work. Why cannot that work or their literary papers be donated to an institution such as the Winnipeg Art Gallery, for example, or indeed to the Municipal Archives? Why is it not possible for Carol Shields or for David Arnason or for Sandra Birdsell to donate their papers to the Municipal Archives of Manitoba and to receive the same kind of tax write-off that is happening here?

As we know, recently some arts papers from Manitoba went to Saskatchewan rather than to Manitoba, and it may be that, had the government thought, if they were thinking of an omnibus foundation, why they perhaps did not look at it in a larger sense. Perhaps the government did and perhaps there are reasons for this that I look forward to hearing when we come to committee.

So I think those are our general concerns, Mr. Speaker. I think we always look for community support for our public institutions. This is one way of adding to that and a very powerful way in fact. I wish we were doing it in an atmosphere where we had governments, both federally and provincially, who were committed to public support for public institutions, and who were committed to fair taxation policies. I think with that I will leave this. I am concerned, as I said earlier, about the impact of this upon community funds, and I know that some of the institutions themselves are concerned about the role of larger institutions. Some of the hospitals are concerned about the impact it will have upon their individual foundations, and I think at this stage we look for the responses in committee as we move towards that stage.

Mr. Kevin Lamoureux (Inkster): Mr. Speaker, I move, seconded by the member for St. Boniface (Mr. Gaudry), that debate be adjourned.

Motion agreed to.

REPORT STAGE

Bill 2—The Endangered Species Amendment Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move, seconded by the honourable Minister of Environment (Mr. Cummings), that Bill 2, The Endangered Species Amendment Act; Loi modifiant la Loi sur les espèces en voie de disparition, reported from the Standing Committee on Public Utilities and Natural Resources, be concurred in.

Motion agreed to.

Bill 3—The Oil and Gas and Consequential Amendments Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move, seconded again by the honourable Minister of Environment (Mr. Cummings), that Bill 3, The Oil and Gas and Consequential Amendments Act; Loi concernant le pétrole et le gaz naturel et apportant des modifications corrélatives à d'autres lois, as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 10—The Farm Lands Ownership Amendment and Consequential Amendments Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move, seconded again by the honourable Minister of Environment (Mr. Cummings), that Bill 10, The Farm Lands Ownership Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la propriété agricole et apportant des modifications corrélatives à d'autres lois, as amended and reported from the Standing Committee on Public Utilities and Natural Resources, be concurred in.

Motion agreed to.

Bill 14—The Personal Property Security and Consequential Amendments Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 14, The Personal Property Security and Consequential Amendments Act; Loi concernant les sûretés relatives aux biens personnels et apportant des modifications corrélatives à d'autres lois, as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 15—The Boxing and Wrestling Commission Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 15, The Boxing and Wrestling Commission Act; Loi sur la Commission de la boxe et de la lutte, as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 16—The Public Schools Amendment Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move again, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 16, The Public Schools Amendment Act; Loi modifiant la Loi sur les écoles publiques, reported from the Standing Committee on Law Amendments, be concurred in.

Motion presented.

* (1720)

Mr. Speaker: Agreed?

Some Honourable Members: No.

Mr. Speaker: The question before the House is that Bill 16, The Public Schools Amendment Act; Loi modifiant la Loi sur les écoles publiques, reported from the Standing Committee on Law Amendments, be concurred in.

All those in favour of the motion, please say yea.

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Bill 17—The Crown Lands Amendment Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move, seconded again by the honourable Minister of Finance (Mr. Manness), that Bill 17, The Crown Lands Amendment Act; Loi modifiant la Loi sur les terres domaniales, reported from the Standing Committee on Public Utilities and Natural Resources, be concurred in.

Motion agreed to.

Bill 18—The Corporations Amendment Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move, seconded again by the honourable Minister of Finance (Mr. Manness), that Bill 18, The Corporations Amendment Act; Loi modifiant la Loi sur les corporations, as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 19—The Court of Queen's Bench Amendment and Consequential Amendments Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move again, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 19, The Court of Queen's Bench Amendment and Consequential Amendments Act; Loi modifiant la Loi sur la Cour du Banc de la Reine et apportant des modifications corrélatives à d'autres lois, reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 20—The Social Allowances Regulation Validation Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 20, The Social Allowances Regulation Validation Act; Loi validant un règlement d'application de la Loi sur l'aide sociale,

reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 22—The Public Sector Reduced Work Week and Compensation Management Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 22, The Public Sector Reduced Work Week and Compensation Management Act; Loi sur la réduction de la semaine de travail et la gestion des salaires dans le secteur public, as amended and reported from the Standing Committee on Economic Development, be concurred in.

Motion presented.

Mr. Speaker: Agreed?

Some Honourable Members: No.

Mr. Speaker: The question before the House is that Bill 22, The Public Sector Reduced Work Week and Compensation Management Act; Loi sur la réduction de la semaine de travail et la gestion des salaires dans le secteur public, as amended and reported from the Standing Committee on Economic Development, be concurred in.

All those in favour of the motion, please say yea.

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

An Honourable Member: The Nays have it. The Nays definitely have it.

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

Some Honourable Members: Oh, oh.

Mr. Speaker: On division.

An Honourable Member: On division.

Bill 23—The Retail Businesses Holiday Closing Amendment, Employment Standards Amendment and Payment of Wages Amendment Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move, seconded by the honourable Minister of Finance (Mr. Manness) that Bill 23, The Retail Businesses Holiday Closing Amendment, Employment Standards Amendment and Payment of Wages

Amendment Act; Loi modifiant la Loi sur les jours fériés dans le commerce de détail, la Loi sur les normes d'emploi et la Loi sur le paiement des salaires, as amended and reported from the Standing Committee on Economic Development, be concurred in.

Motion presented.

Mr. Speaker: Agreed?

Some Honourable Members: No.

Mr. Speaker: The question before the House is that Bill 23, The Retail Businesses Holiday Closing Amendment, Employment Standards Amendment and Payment of Wages Amendment Act; Loi modifiant la Loi sur les jours fériés dans le commerce de détail, la Loi sur les normes d'emploi et la Loi sur le paiement des salaires, as amended and reported from the Standing Committee on Economic Development, be concurred in.

All those in favour of the motion, please say yea.

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

An Honourable Member: On division.

Mr. Speaker: On division.

Bill 25—The Public Schools Amendment Act (4)

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 25, The Public Schools Amendment Act (4); Loi no 4 modifiant la Loi sur les écoles publiques, as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 29—The Minors Intoxicating Substances Control Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, for Bill 29 (The Minors Intoxicating Substances Control Act; Loi sur le contrôle des substances intoxicantes et les mineurs), I would like to move an amendment at the report stage.

I would move, seconded by the honourable Minister of Finance (Mr. Manness),

THAT Bill 29 be amended

(a) in subsection 7(1) by adding "or (3), as the case may be" after "subsection (2)"; and

(b) by striking out subsection 7(2) and substituting the following:

Penalty re contravention of ss. 3(1)

7(2) A person who is found guilty of an offence under subsection (1) with respect to a contravention of subsection 3(1) is subject to any one of the dispositions set out in section 20 of the Young Offenders Act (Canada), or any number thereof that are not inconsistent with each other, as the court may determine, other than a term of imprisonment that exceeds 3 months.

Penalty re contravention of ss. 3(2)

7(3) A person who is found guilty of an offence under subsection (1) with respect to a contravention of subsection 3(2) is subject to any one of the dispositions set out in section 20 of the Young Offenders Act (Canada), or any number thereof that are not inconsistent with each other, as the court may determine, other than a term of imprisonment.

I believe the honourable Attorney General (Mr. McCrae) may wish to provide explanation to this.

Mr. Speaker: It has been moved by the Minister of Labour (Mr. Praznik), seconded by the Minister of Finance (Mr. Manness), that Bill 29 be amended. Dispense?

An Honourable Member: No.

Mr. Speaker: You want to read it? Okay.

(a) in subsection 7(1) by adding "or (3), as the case may be" after "subsection (2)"; and—

Some Honourable Members: Dispense.

Mr. Speaker: Order, please. Members have asked that it be read.

An Honourable Member: Who?

Mr. Speaker: I heard that the members wanted it read.

An Honourable Member: No, they did not.

Mr. Speaker: Does the honourable minister want to reflect on the Chair? I heard they wanted it read. I want to read it.

(b) by striking out subsection 7(2) and substituting the following:

Penalty re contravention of ss. 3(1)

7(2) A person who is found guilty of an offence

under subsection (1) with respect to a contravention of subsection 3(1) is subject to any one of the dispositions set out in section 20 of the Young Offenders Act (Canada), or any number thereof that are not inconsistent with each other, as the court may determine, other than a term of imprisonment that exceeds 3 months.

Penalty re contravention of ss. 3(2)

7(3) A person who is found guilty of an offence under subsection (1) with respect to a contravention of subsection 3(2) is subject to any one of the dispositions set out in section 20 of the Young Offenders Act (Canada), or any number thereof that are not inconsistent with each other, as the court may determine, other than a term of imprisonment.

Hon. James McCrae (Minister of Justice and Attorney General): Mr. Speaker, I apologize on behalf of members on this side of the House for putting you through having to re-read this motion. We did call out that that could be dispensed with, and we certainly respect that when you heard a negative comment, you felt obliged to read the whole motion. It need not have been done, in my respectful opinion, since in the committee stage on this bill, I gave notice to all honourable members that this amendment would be coming, so there really is not any need to go through it twice.

* (1730)

But that having been done, Mr. Speaker, the notice I gave to honourable members was that it was decided at the committee stage that it was not the intent in this bill to place young offenders in jeopardy of imprisonment for using intoxicating substances. However, in passing our amendment at the committee stage, it had not been intended that those young offenders who would supply intoxicating substances to other young offenders ought to go free, so that this amendment deals with both issues, the issue of supplying, which provides for a penalty not to exceed imprisonment of three months, and the penalty for young persons using intoxicating substances, there is no imprisonment penalty. That is what this amendment clarifies.

Mr. Doug Martindale (Burrows): Mr. Speaker, I rise to speak on this amendment. Our critic for this bill had a number of amendments in committee, and the government, having a majority, chose to vote down our amendments. We were disappointed that they did not listen to us. I believe

that we were much more in keeping with the public presentations that were made on this bill than the government was. The vast majority of presenters recommended that minors not be penalized, that they not be drawn into the criminal justice system. Now, we appreciate that the government made one exception, but we felt that there should not be any involvement in the criminal justice system by minors.

In fact, the consistent theme that presenters stuck to, and without collaboration but individually as they presented, the ones that I was familiar with, that I knew before this bill came to committee from my work in the inner city and on the anti-sniff coalition were united in saying that they believed that it was primarily a health problem and that people should receive treatment, that they should not be penalized for using sniff products as minors.

Now, this bill is really a very, very different bill from the bill that was introduced by the MLA for St. Johns (Ms. Wasylycia-Leis), and this amendment does not really have anything to do with the original bill that our member introduced. This bill and this amendment are really quite different, and we are disappointed that even though it was a private member's bill, it passed. Private members' bills rarely pass in this Legislature, but during the minority government, I believe there were three bills that did pass. The member for St. Johns had one that was passed, and it was never proclaimed.

We asked the Minister of Health (Mr. Orchard) why it was not proclaimed. The minister continually stalled in answering questions, eventually said that they had legal opinions, I believe, about something in the contents, but he would never table the legal opinion. So we could only speculate as to why the Minister of Health would not proclaim the bill.

So we disagreed with the government on some parts of this bill. We are pleased that they took some action. I suppose they would want us to be grateful for half a loaf, but this amendment really does not address the concerns that we had with the government's bill, and we wish that they had listened more closely to the presenters, because what they had to say for a lot of them had to do with their own experience.

In fact, we were quite surprised and touched by the honesty of people that came to present, all of them adults, but in the case of three people, they disclosed, quite to our surprise—I am really

amazed at their honesty—that they had sniffed different kinds of products when they were minors and had really turned their lives around since that time. One of the presenters is a university student. One is a solvent abuse treatment worker at Sagkeeng First Nation at their treatment program, and another one is a graduate in the social work program at Winnipeg Education Centre.

We were pleased that they came forward and expressed their concerns about this bill and that they were so honest about their personal experience. Probably, the most moving one was Donna Glover, who talked about her experiences and made some recommendations. The one that was, I think, unique was the recommendation that people be offered the opportunity of healing rather than being penalized.

This amendment really just makes an exception to one of the penalties under the Young Offenders Act, and I am sorry that I did not have time to look up all of the dispositions in the Young Offenders Act, since the Young Offenders Act is referred to in this amendment, but I know that there are many dispositions that judges have. This minister has only made an exception to one of those dispositions that judges have.

Of course, it is the most serious disposition that judges have, that is, imprisonment, so it is good that the minister made this exception, but we feel that it still does not address the fundamental problem of penalizing minors. So with those few remarks, Mr. Speaker, we are ready to see this bill through to Report Stage. Thank you.

Mr. Speaker: Is it the pleasure of the House to adopt the motion? [agreed]

Mr. Praznik: Mr. Speaker, I would move, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 29, The Minors Intoxicating Substances Control Act; Loi sur le contrôle des substances intoxicantes et les mineurs, as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 30—The Vulnerable Persons Living with a Mental Disability and Consequential Amendments Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move, seconded by the honourable Minister of Finance

(Mr. Manness), that Bill 30, The Vulnerable Persons Living with a Mental Disability and Consequential Amendments Act; Loi concernant les personnes vulnérables ayant une déficience mentale et apportant des modifications corrélatives à d'autres lois, as amended and reported from the Standing Committee on Economic Development, be concurred in.

Motion agreed to.

House Business

Hon. Clayton Manness (Government House Leader): Mr. Speaker, on House business, I would like to make a number of announcements with respect to standing committees.

Tomorrow morning, the Standing Committee on Law Amendments will sit to further consider Bill 24, sitting at 9 a.m.

Also at 9 a.m., the Standing Committee on Public Utilities and Natural Resources will continue to hear presentations on Bill 41.

Tomorrow evening, Wednesday, the Committee on Law Amendments will sit, Mr. Speaker. I have not had a chance to discuss this with the House leader of the Liberal Party, but I would ask that it consider these bills, 26, 54, 51, 45, and then revert to Bill 24. I would expect that that would happen roughly around nine o'clock.

Mr. Speaker: Okay. I would like to thank the honourable Government House Leader for that.

Mr. Manness: Also, tomorrow evening then, at 7 p.m., at the same time, the Standing Committee on Public Utilities and Natural Resources will continue listening to presentations on Bill 41.

I will not give any announcement with respect to Thursday. I will, though, with respect to Friday and indicate that publicly it was announced today by the three House leaders that a committee of the Legislature, and at this time we will say Law Amendments, but that may change, will possibly begin to hear presentations on Bill 55, given that that bill passes the House Thursday. So I indicate to the Clerk that phone calls can be made to those presenters indicating that by all appearances at this point in time that committee will sit at one o'clock on Friday afternoon.

Thank you.

Mr. Speaker: I would like to thank the honourable government House leader.

Committee Changes

Mr. Speaker: The honourable member for Gimli (Mr. Helwer), with his committee changes.

Mr. Edward Helwer (Gimli): Mr. Speaker, I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Public Utilities and Natural Resources, this is for the 9 a.m. sitting for Wednesday's session: the member for Niakwa (Mr. Reimer) for the member for Riel (Mr. Ducharme); the member for La Verendrye (Mr. Sveinson) for the member for Roblin-Russell (Mr. Derkach); the member for Emerson (Mr. Penner) for the member for Lac du Bonnet (Mr. Praznik); and the member for Gimli (Mr. Helwer) for the member for Turtle Mountain (Mr. Rose).

* (1740)

I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Law Amendments be amended as follows: the member for St. Vital (Mrs. Render) for the member for Springfield (Mr. Findlay); the member for Gimli (Mr. Helwer) for the member for Brandon West (Mr. McCrae); and the member for Sturgeon Creek (Mr. McAlpine) for the member for St. Norbert (Mr. Laurendeau).

Motions agreed to.

House Business

Mr. Manness: Mr. Speaker, I have an error in one respect, and I have asked the unanimous consent of the House to move Bills 26 and 54, which had at another time been referred to the Standing Committee on Municipal Affairs. I would ask unanimous consent of the House to move those two bills to the Standing Committee on Law Amendments.

Mr. Speaker: Does the honourable government House leader have leave to move Bills 26 and 54 from Municipal Affairs over to Law Amendments? Is there leave? [agreed]

Bill 31—The Health Services Insurance Amendment Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move again, seconded by the honourable Minister of Finance (Mr. Manness), that Bill 31, The Health Services Insurance Amendment Act; Loi modifiant la Loi sur l'assurance-maladie, reported from the Standing

Committee on Economic Development, be concurred in.

Motion agreed to.

Bill 32—The Social Allowances Amendment Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move, again seconded by the Minister of Finance, that Bill 32, The Social Allowances Amendment Act; Loi modifiant la Loi sur l'aide sociale, as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Motion presented.

Mr. Speaker: Agreed?

Some Honourable Members: No.

Mr. Speaker: The question before the House is Bill 32, The Social Allowances Amendment Act, Loi modifiant la Loi sur l'aide sociale, as amended and reported from the Standing Committee on Law Amendments, be concurred in.

All those in favour of the motion, please say yea.

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

* * *

Mr. Praznik: Mr. Speaker, I would ask if you could please call Bill 33 for Report Stage. I believe there are some amendments that the Minister of Highways and Transportation (Mr. Driedger) will be moving.

Bill 33—The Provincial Railways and Consequential Amendments Act

Hon. Albert Driedger (Minister of Highways and Transportation): Based on the undertaking that I took in committee that I would review some of the suggestions at the time on Bill 33, I move, seconded by the Minister of Environment (Mr. Cummings),

THAT Bill 33 be amended by striking out "adequate and suitable", in section 36 and substituting "reasonable".

THAT Bill 33 be amended by adding "confidential" after "filed with the board any" in clause 38(1)(g).

THAT Bill 33 be amended by striking out "charged by a carrier" in subsection 40(1) and substituting "charged by a railway company".

THAT Bill 33 be amended by striking out "reasonable" in clause 50(1)(a).

Mr. Speaker, I move, seconded by the Minister of Environment, that The Provincial Railways and Consequential Amendments Act, as amended and reported in the Standing Committee on Economic Development, be concurred in.

Mr. Speaker: The honourable Minister of Highways and Transportation (Mr. Driedger) has actually done four amendments, minor ones, mind you.

It was moved by the honourable Minister of Highways and Transportation, seconded by the honourable Minister of Environment (Mr. Cummings), that The Provincial Railways and Consequential Amendments Act,

THAT Bill 33 be amended by striking out "adequate and suitable", in section 36, and substituting "reasonable".

Agreed? Agreed and so ordered.

The second amendment, as moved by the honourable Minister of Highways and Transportation (Mr. Driedger), seconded by the honourable Minister of Environment (Mr. Cummings),

THAT Bill 33 be amended by adding "confidential" after "file with the board any" in clause 38(1)(g).

Is it the pleasure of the House to adopt that motion? Agreed? Agreed.

It has also been moved by the honourable Minister of Highways and Transportation (Mr. Driedger), seconded by the honourable Minister of Environment (Mr. Cummings),

THAT Bill 33 be amended by striking out "charged by a carrier" in subsection 40(1) and substituting "charged by a railway company".

Is it the pleasure of the House to adopt that motion? Agreed? Agreed and so ordered.

The honourable member for Transcona, on the third amendment.

Mr. Daryl Reid (Transcona): Mr. Speaker, I am somewhat disappointed in the fact that the minister chose to ignore one of the recommendations and amendments that was put forward. I note, and I have looked at the amendments that the minister has put in from his department, and I find that all of the minister's amendments are reasonable and that they will, in other words, tighten up the wording of the original legislation. I am supportive of the amendments that the minister has brought forward.

Mr. Speaker, I am disappointed in the fact that the minister chose only to accept one amendment. The amendment he chose was to follow the practice that has been established by the National Transportation Agency wherein they could go onto any railway property at any time to inspect what they deem to be an infraction of the legislation or a contravention of the legislation. I thank the minister for accepting that amendment to that portion. This will now allow the inspectors, either appointed by the minister's department or under contract through the federal agency, to go onto railway property and inspect for any infractions.

The one amendment that the minister did not accept, Mr. Speaker, that causes me some concern, and that is dealing under Part 6 of the legislation itself under the enforcement, the Evidence and the Offences and Penalties section, and in particular under the Inspections for the inspectors. The minister chose not to accept the amendment for that particular section, and it says under the legislation that the minister deems to leave in place here by his actions, under section 49(1): The minister may appoint any person as an inspector for the purposes of this Act.

Now, Mr. Speaker, the amendment that we had put forward to deal with this particular section is so that the minister—the discretion that has been given him by the legislation says that he can appoint anyone. It does not say that he has to have anyone with expertise or knowledge of the railway industry, and we think that it is important that if someone is going to inspect railway equipment, whether it be trackage, roadbed, structures or railway rolling stock, that they should have some expertise or some knowledge of the industry.

That is why we put forward an amendment that would say, "who has demonstrated a knowledge and expertise in railway equipment and operations" in place of "any person." The minister chose not to

accept that. He has not provided any explanation why he has not accepted that, and I think that it would be important that members that have to go out into the field to inspect this equipment should have that expertise.

Now, I am not sure, Mr. Speaker, if there is something that may have escaped my attention here.

* (1750)

Mr. Speaker: I will remind you right now. I will remind the honourable member for Transcona (Mr. Reid) that what is before the House at this time is the amendment as moved by the honourable minister. I will read the honourable member the amendment.

That Bill 33 be amended by striking out "charged by a carrier" in subsection 40(1) and substituting "charged by a railway company".

That is the question presently before the House. Okay. So I would ask the honourable member for Transcona to kindly keep his remarks fairly close to the said issue.

Mr. Reid: Mr. Speaker, the minister also tabled a number of other amendments, and I thank you for drawing that to my attention.

Mr. Speaker: We passed those already.

Mr. Reid: Those amendments with respect to this legislation will, like I said, tighten up some of the wording of the legislation itself. In dealing in specific where shippers have been used as the terminology, it talks about carriers in place of that, and the minister has changed some of the wording in specific sections that will make it easier to regulate, I suppose, the industry itself.

Now it is unfortunate that the other sections were not accepted. I hope that the minister will provide some opportunity or some explanation why, because it was members of the industry that had drawn this to my attention. They had pointed out in fact some of the amendments that the minister came forward with that I thought were fair and reasonable explanations or requirements for the legislative changes.

We had raised some of the concerns on these amendments, Mr. Speaker, that are before us here, in particular the one that you point out, we had raised some of those concerns as well at committee, and yet we have not received any explanation why other areas have not been

amended as well to tighten up the legislation itself and to provide for some sense of safety and security of the public and any employee of the railway or any shipper or carrier that may be utilizing that service.

With that, Mr. Speaker, I will leave on the record that we still have concerns that all the amendments that were brought forward were not carried forward by the minister. As he has indicated, he said he would come back to the House and provide some explanation after consulting with his department, something he has not done here. I think that it is important that he should provide for members of the House reasons why he has not brought forward other amendments, maybe things that his department has expertise on that may not be available to other members of the House. Thank you for the opportunity.

Mr. Speaker: Is it the pleasure of the House to adopt the third amendment of the honourable minister? Agreed? Agreed and so ordered.

Now, it was moved by the honourable Minister of Highways and Transportation (Mr. Driedger), seconded by the honourable Minister of Environment (Mr. Cummings),

THAT Bill 33 be amended by striking out "reasonable" in Clause 50(1)(a).

Is it the pleasure of the House to adopt that motion? Agreed? Agreed and so ordered.

Mr. Driedger: Mr. Speaker, I move, seconded by the Minister of Urban Affairs (Mr. Ernst), that Bill 33, The Provincial Railways and Consequential Amendments Act (Loi concernant les chemins de fer provinciaux et apportant des modifications corrélatives à d'autres lois), as amended and reported from the Standing Committee on Economic Development, be concurred in.

Motion agreed to.

Bill 34—The Public Schools Amendment (Francophone Schools Governance) Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would move, seconded by the honourable Minister of Environment (Mr. Cummings), that Bill 34, The Public Schools Amendment (Francophone Schools Governance) Act; Loi modifiant la Loi sur les écoles publiques (gestion des écoles françaises), as amended and reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

Bill 39—The Provincial Court Amendment Act

Hon. Darren Praznik (Deputy Government House Leader): Mr. Speaker, I would again move, seconded by the honourable Minister of Environment (Mr. Cummings), that Bill 39, The Provincial Court Amendment Act; Loi modifiant la Loi sur la Cour provinciale, reported from the Standing Committee on Law Amendments, be concurred in.

Motion agreed to.

* * *

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

Mr. Praznik: Mr. Speaker, I think if you canvass you will find that will.

Mr. Speaker: I just found that out. Is it the will of the House to call it six o'clock? [agreed]

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

LEGISLATIVE ASSEMBLY OF MANITOBA

Tuesday, July 20, 1993

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