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

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**DEBATES  
and  
PROCEEDINGS  
(HANSARD)**

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42 Elizabeth II

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**VOL. XLII No. 92 - 1:30 p.m., TUESDAY, JUNE 29, 1993**

**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
MALLOWAY, 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, June 29, 1993

The House met at 1:30 p.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### PRESENTING PETITIONS

**Mr. George Hickes (Point Douglas):** Mr. Speaker, I beg to present the petition of Benny Wood, Burt Wood, Oliver Harper and others requesting the Premier (Mr. Filmon) to consider making as a major priority the establishment of a solvent abuse treatment facility in northern Manitoba.

**Mr. Steve Ashton (Thompson):** Mr. Speaker, I beg to present the petition of Sherry Wood, Dominic Wood, Bella Wood and others requesting the Premier (Mr. Filmon) to consider making as a major priority the establishment of a solvent abuse treatment facility in northern Manitoba.

### READING AND RECEIVING PETITIONS

**Mr. Speaker:** I have reviewed the petition of the honourable member (Mr. Hickes). 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 1,000 young adults are currently attempting to get off welfare and upgrade their education through the Student Social Allowances Program; and

WHEREAS Winnipeg already has the highest number of people on welfare in decades; and

WHEREAS the provincial government has already changed social assistance rules resulting in increased welfare costs for the City of Winnipeg; and

WHEREAS the provincial government is now proposing to eliminate the Student Social Allowances Program; and

WHEREAS eliminating the Student Social Allowances Program will result in more than a thousand young people being forced onto city welfare with no means of getting further full-time education, resulting in more long-term costs for city taxpayers.

WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba may be pleased to request the Minister of Family Services (Mr. Gilleshammer) to consider restoring funding of the Student Social Allowances Program.

**Mr. Speaker:** I have reviewed the petition of the honourable member (Mr. Martindale). 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:** 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 1,000 young adults are currently attempting to get off welfare and upgrade their education through the Student Social Allowances Program; and

WHEREAS Winnipeg already has the highest number of people on welfare in decades; and

WHEREAS the provincial government has already changed social assistance rules resulting in increased welfare costs for the City of Winnipeg; and

WHEREAS the provincial government is now proposing to eliminate the Student Social Allowances Program; and

WHEREAS eliminating the Student Social Allowances Program will result in more than a thousand young people being forced onto city welfare with no means of getting further full-time education, resulting in more long-term costs for city taxpayers.

WHEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba may be pleased to request the Minister of Family Services (Mr. Gilleshammer) to consider restoring funding of the Student Social Allowances Program.

## PRESENTING REPORTS BY STANDING AND SPECIAL COMMITTEES

**Mr. Ben Sveinson (Chairperson of the Standing Committee on Municipal Affairs):** Mr. Speaker, I beg to present the Second Report of the Standing Committee on Municipal Affairs.

**Mr. Clerk (William Remnant):** Your Standing Committee on Municipal Affairs presents the following as its Second Report.

Your committee met on Friday, June 25, 1993, at 12:30 p.m. in Room 254 of the Legislative Building to consider bills referred.

Your committee heard representation on Bill 38, The City of Winnipeg Amendment, Municipal Amendment, Planning Amendment and Summary Convictions Amendment Act; Loi modifiant la Loi sur la Ville de Winnipeg, la Loi sur les municipalités, la Loi sur l'aménagement du territoire et la Loi sur les poursuites sommaires, as follows:

Mr. David Vincent - Private Citizen

Mr. John Angus - City of Winnipeg

Mr. Ed Blackman and Mr. Paul Moist - Canadian Union of Public Employees

Mr. John Ryan - Private Citizen

Your committee has considered:

Bill 38—The City of Winnipeg Amendment, Municipal Amendment, Planning Amendment and Summary Convictions Amendment Act; Loi modifiant la Loi sur la Ville de Winnipeg, la Loi sur les municipalités, la Loi sur l'aménagement du territoire et la Loi sur les poursuites sommaires

and has agreed to report the same with the following amendments:

### MOTION:

THAT Clause 402(a), as set out in section 22 of the Bill, be amended by striking out "gymnasiums and libraries," and by substituting "and gymnasiums".

### MOTION:

THAT section 22 of the Bill be struck out and the following substituted:

22 Section 402 is amended

(a) by renumbering it as subsection (1);

(b) by striking out the section heading and substituting "Public facilities and services";

(c) by striking out clause (a) and substituting the following:

(a) establish and regulate public facilities and services, including, without limiting the generality of the foregoing, swimming pools, arenas, leisure centres and gymnasiums, and may prescribe the fee or charge for the use of any public facility or the provision of any service to the public and may authorize the use of any facility or provision of any service on any day of the week;

(d) by adding the following as subsection (2):

### Free use of library by residents and electors

**402(2)** Notwithstanding any other provision of this Act, the city shall permit the residents of the city to have free use of the circulating and reference books of every public library and branch it maintains.

All of which is respectfully submitted.

**Mr. Sveinson:** Mr. Speaker, I move, seconded by the honourable member for Sturgeon Creek (Mr. McAlpine), that the report of the committee be received.

**Motion agreed to.**

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**Mrs. Louise Dacquay (Chairperson of Committees):** Mr. Speaker, the Committee of Supply has adopted certain resolutions, directs me to report the same and asks leave to sit again.

I move, seconded by the honourable member for La Verendrye (Mr. Sveinson), that the report of the committee be received.

**Motion agreed to.**

\* (1335)

## TABLING OF REPORTS

**Hon. Eric Stefanson (Minister responsible for Sport):** Mr. Speaker, I am pleased to table the 1993-94 Departmental Expenditure Estimates for Fitness and Sport.

**Hon. Glen Findlay (Minister of Agriculture):** Mr. Speaker, I would like to table the 1991-92 Annual Report of the Manitoba Crop Insurance Corporation.

**Hon. Linda McIntosh (Minister of Consumer and Corporate Affairs):** Mr. Speaker, I am pleased to table the Supplementary Estimates for the Department of Consumer and Corporate Affairs, 1993-94.

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, I, too, would like to table a couple of reports, the Supplementary Information for Legislative Review '93-94 Departmental Expenditure Estimates, Department of Finance, and also the Supplementary Information dealing with '93-94 Revenue Estimates.

### INTRODUCTION OF BILLS

**Hon. Leonard Derkach (Minister of Rural Development):** Mr. Speaker, may I have leave of the House to introduce a bill at this time?

**Mr. Speaker:** Does the honourable minister have leave to introduce Bill 54? [agreed]

#### Bill 54—The Municipal Assessment Amendment Act (2)

**Mr. Derkach:** Mr. Speaker, I move, seconded by the Minister of Agriculture (Mr. Findlay), that Bill 54, The Municipal Assessment Amendment Act (2) (Loi no 2 modifiant la Loi sur l'évaluation municipale), be introduced and that the same be received and read for the first time.

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

**Motion agreed to.**

### TABLING OF REPORTS

(continued)

**Hon. James Downey (Minister of Energy and Mines):** Mr. Speaker, I wonder if I may have leave to revert to the Tabling of Reports.

**Mr. Speaker:** Does the honourable minister have leave to revert to Tabling of Reports? [agreed]

**Mr. Downey:** Mr. Speaker, I am pleased to table the Annual Report of the Northern Affairs department for 1991-92 and the Annual Report '92-93 for Energy and Mines department.

\* (1340)

### ORAL QUESTION PERIOD

#### APM Management Consultants St. Boniface Hospital

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

Manitobans are very confused and a lot of people are in a lot of fear about what is going on with the multimillion-dollar American consultants hired by the provincial government dealing with health care.

Mr. Speaker, in this House last week, the Minister of Health indicated very clearly that the Connie Curran consulting contract was not tied to the layoffs at St. Boniface Hospital. He went on to say in Hansard on June 15: You "will find that it is not attached to the Connie Curran process as he would . . . allege and mislead Manitobans about," in answer to a question the member for Kildonan (Mr. Chomiak) asked.

Mr. Speaker, in the media, the same minister went on to say: Do not make the mistake of linking Curran's initiative, because appreciate that Curran's initiative was begun formally eight weeks ago, and this process of discussion is in terms of reaching deliverables. This is not a provision which was attached to the APM contract.

We now find out in Article 3(1) of the contracts tabled yesterday, all changes to the cost structure of the St. Boniface General Hospital since '92-93 revenue base will be eligible to count toward the target. The administrator of the hospital goes on to confirm that the \$8 million in cuts could be calculated as part of the \$20-million target for St. Boniface Hospital.

I would like to ask the Premier (Mr. Filmon), Mr. Speaker, because I think it is up to the person who is in charge of this government to clear up the confusion, will the '92-93 base year be used for purposes of calculating the Curran formula for reaching her target?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, that is precisely why at 2:30 yesterday afternoon, I tabled for my honourable friend the critic for the New Democrats the current agreement.

One might refer to page 4789 wherein I said, I am tabling it at this time so that my honourable friends in the New Democrats could have their analysts go through the contract, and we could resume the debate of Estimates at eight o'clock last night and deal with all of the issues and concerns that might come out of their study of the contract, and I might add, Mr. Speaker, in the most open fashion that contracts with consultants have ever been presented to the people of Manitoba.

At 10 minutes to five, not one single question about the APM contract and St. Boniface and Health Sciences Centre or any other initiative, was posed, precisely for the reason that my honourable friend can now continue to try and paint incorrect information.

If I can indicate to my honourable friend, the article that he is quoting from, I would advise my honourable friend to be extremely cautious in assuming that the principals of St. Boniface Hospital, their comments were accurately reflected in that paper, because those were not the comments that were made, and that possibly explains why there were no direct quotations around any of the comments attributed to the spokesmen for St. Boniface Hospital.

Now, Mr. Speaker, the contract does provide a base line of funding, 1992-93, from which the achievable targets of savings will be calculated in order to determine the effectiveness of the APM Consultants and their work within the St. Boniface Hospital and Health Sciences Centre. I say with all the integrity I can muster to my honourable friend, the statements I made in questions previous were correct.

### Benefits

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, what we wanted to know was whether the Curran contract was for cuts that were made after the '93-94 year when the person's contract was hired, or whether, in fact, it was used in the '92-93 base year.

Obviously, the minister, in his convoluted way, answered the same way as the administrator from St. Boniface. Clearly, the base year under 3(1)(c) of the contract is clearly '92-93, in which case the \$8 million could be calculated in terms of the Curran contract. Here we are seeing \$3.9 million U.S. spent at a time when things are tough, when decisions are tough, when seniors are under tremendous pressure.

I would like to ask the Premier (Mr. Filmon): The government of Manitoba had a shutdown clause in the contract if no agreements were signed prior to May 31, 1993. Why did the government proceed with the \$3.9-million contract with the U.S. consultant? What benefits did they see for Manitoba to spend this kind of money on the \$3.9-million contract, particularly when you

consider that the cuts already made will be calculated on the base '92-93 fiscal budget year?

\* (1345)

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, despite my answers this afternoon and previous, my honourable friend persists in putting incorrect information on the record. I cannot stop my honourable friends from doing that. That is precisely why I tabled the contracts at 2:30 yesterday afternoon. It might be appropriate for me to indicate what I said to the member for Kildonan (Mr. Chomiak) and the NDP when I tabled those contracts yesterday.

I tabled the contracts for my honourable friends, meaning the members of the New Democratic Party, "... knowing that they may want to have this information at their disposal, so they can have their analysts go over it in the next couple of hours, and then we can spend the balance of this evening and tomorrow and the next day and any amount of time my honourable friends want, to discuss the issues."

Mr. Speaker, after that very generous offer, New Democrats chose not to pose a question. They posed zero questions, Sir, because they do not want to have information. They want to continue to put their version out which is laced with inaccuracies.

### Home Care Program

**Mr. Gary Doer (Leader of the Opposition):** Will the Premier (Mr. Filmon) start getting control of his Health minister? The Premier fired this person when he was his deputy leader because he had no control of him five years ago, and now he is wreaking havoc on our health care system, Mr. Speaker. It is time the Premier took some leadership on this issue.

On June 15, Mr. Speaker, the minister told us that the Curran contract would not include the cutbacks at St. Boniface. Clearly, the contract states the '92-93 year will be eligible.

I would like to ask the Premier: In light of his Conservative government cutbacks now in Home Care, Mr. Speaker, which will allegedly save \$3 million, which is less than what they are paying for the U.S. consultant, \$3.9 million U.S., in light of the fact that the minister yesterday tabled four contracts in the Legislature and he did not table the contract dealing with Home Care, will the Home Care contract also be '92-93 base year? Will it also

include the massive cuts that have been made by his Minister of Health in terms of her bounty or calculation for her contract?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, one could talk about leadership and ability to provide a vision for the future, and one could talk about the lack thereof in the NDP ranks, because I consistently tried to get my honourable friends the New Democrats to give us some alternatives, if they did not like what we are doing.

We know what New Democrats are against. We do not know what they are for. We do not know whether they are for closing 52 hospitals, like they are in Saskatchewan. We do not know whether they are for closing major hospitals, as they are in Vancouver. We do not know whether they are for all sorts of activities. We do not know.

But, Mr. Speaker, what we do know is in the record, because I shared the increases in Home Care in Estimates with my honourable friends, and I refer my honourable friend the New Democratic Leader to page 4500 and on in the Estimates.

Furthermore, I want to tell my honourable friend what Home Care has done. My honourable friend indicated cutbacks in Home Care; 1992 over 1991—let me talk to my honourable friend. Home care attendant services were up by 7.2 percent, registered nursing services up by 15.5 percent, licensed practical nursing service up by 20.7 percent—

**Mr. Speaker:** Order, please.

### Home Care Program Premier's Intervention

**Mr. Dave Chomiak (Kildonan):** Mr. Speaker, last week, when we asked the minister about the cancellation of the Home Care Program and the result that other services have to be made up to try to make up for some of that cancellation, the Minister of Health blamed us. He blamed the previous government. He blamed the media. He blamed the world for the cancellation of his program, taking \$3 million out of the pockets of senior citizens and making them pay for a service that was always offered.

My question to the Premier (Mr. Filmon) is: Will the Premier step in and get some control on this Minister of Health? Will he stand up for the senior citizens of the province of Manitoba and stop this

minister from wrecking the Home Care services program?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I find it really, really interesting to watch New Democrats in opposition reject the policy put in place in 1985 by Howard Pawley, Premier, by Larry Desjardins, Minister of Health, called Support Services to Seniors, wherein those services, when established in the community, would provide home cleaning, meal preparation and laundry services with the senior citizen required to pay for them.

Now, my honourable friends, in 1985, the New Democrats in government, introduced that program as very progressive, as a better utilization of resource, and, quite frankly, Sir, we agreed. We have continued with that program, and we have furthered the completion of that program in this year's budget estimate.

Now, my honourable friend says we are taking money from the pockets of seniors today, but, Mr. Speaker, it was all right to do it when you were a New Democrat in 1985 as part of progressive reform of health care that was going on even then. What is the change, other than the fact they are in opposition today?

\* (1350)

### Layoff Statistics

**Mr. Dave Chomiak (Kildonan):** Mr. Speaker, my supplementary is again to the Premier (Mr. Filmon) because the minister seems to be—impossible for him to answer the question.

How does the Premier justify the layoff of 1,500 workers, unprecedented in health care in this province, 1,500 Home Care homemakers who provide these services? How does the Premier justify these 1,500 people possibly being out of work as a result of the layoff and the cancellation of this program?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, that is the problem we have with the theatre from the NDP, the theatre of fearmongering, the theatre of the television camera, the theatre; not accuracy, not truth, but fearmongering and theatre.

I refer my honourable friend Mr. Chomiak, because it was a question by Mr. Chomiak carried on page 4499 of Hansard, wherein we went into the explanation of Home Care services and the increases that we expect to provide: The year '92

over '91, an increase in VON, 4.7 percent, an increase in licensed practical nursing services of 20.7 percent, an increase in registered nursing services of 15.5 percent, an increase in the home care attendant services, 7.2 percent, but a reduction in home support workers by 6.2 percent because more services were provided by Support Services to Seniors Programs. That trend continues, Sir.

That is why on pages 4499 and 4500, the increased hours of VON nursing, of registered nursing, of home support worker or home care attendants is showing up in this year's Estimates, adding to the increases from 1992 with increases in 1993—increased services, not cutbacks, as my honourable friend wants to mislead the public into believing.

### Funding Reinstatement

**Mr. Dave Chomiak (Kildonan):** And the minister might add, a cancellation of \$3-million worth of services for laundry, homekeeping and for meal service to seniors that they are now going to have to pay out of their own pockets.

My final supplementary to the Premier (Mr. Filmon), who should understand, who said yesterday on TV he needs help for someone to carry his bags: Will the Premier understand that these people need this help in their homes, they deserve help in their homes, and will he rein in his Minister of Health and reinstate the program?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, with all the sincerity I can offer to my honourable friend, I would like to help my honourable friend communicate truthfully facts and figures presented to him in Estimates, facts and figures presented to him over the last five years. New Democrats have said there have been cutbacks in the Home Care Program when the budget has gone from \$34 million, when they were last in government, to \$68 million this year.

How can you call a doubling of a program a cutback? Only a New Democrat in opposition could be that dishonest with the people of Manitoba.

Now, Mr. Speaker, let my honourable friend—

### Point of Order

**Mr. Steve Ashton (Opposition House Leader):** Mr. Speaker, on a point of order, we have sat rather

patiently waiting for answers from the minister, but if the minister is not going to answer questions, he should at least not violate our rules in terms of unparliamentary language.

The minister made a reference that was not only unparliamentary but was totally uncalled for. I would like to ask you to call him to order, and I would like you to ask him to answer this very serious question, the questions raised by our Health critic about the cutback of \$3 million in terms of the home care attendants.

**Mr. Speaker:** Order, please. On the point of order raised, I would like to remind all honourable members that the word—and I am sure the word the honourable member is referring to is “dishonest.”

It does show up under unparliamentary, and it does show up under parliamentary, but I would ask the honourable minister to pick your words very, very carefully.

\* \* \*

**Mr. Speaker:** The honourable Minister of Health, to finish with his response.

**Mr. Orchard:** Mr. Speaker, I certainly will abide by your advice.

My honourable friend the New Democrat does not acknowledge that in Estimates, I provided him the information that, on average, last year, there would be 202,975 hours of home care attendant service provided to Manitobans, and this year, it will increase to 225,756. That is what New Democrats call a cutback.

My honourable friend will not acknowledge that in terms of registered nursing service, last year on average per month, we provided 7,812 hours. This year, we expect to provide 8,565, an increase, not a decrease, over and above the increases of 15.5 percent last year, 7.2 percent last year, 20.7 percent in terms of LPN services last year over the year before—increases, not decreases. Surely—

**Mr. Speaker:** Order, please.

\* (1355)

### Gambling Social Costs

**Mr. Paul Edwards (Leader of the Second Opposition):** Mr. Speaker, today, the Minister responsible for the Manitoba Lotteries Foundation and the Minister of Health (Mr. Orchard) jointly



released the long-awaited study, coincidentally written June 8, but released after the opening of their two bingo palaces in the city.

That report concludes that, currently, 1.3 percent of Manitobans over the age of 18 are pathological gamblers, not to consider the many thousands more who will become pathological gamblers as the government spends millions of dollars promoting gambling.

My question for the minister of Lotteries, Mr. Speaker, is: When are she and her government going to answer the tough question which is, why is the government spending millions and millions of dollars promoting gambling in our community when we know and we now have proof it creates and adds to pathological gambling in our society? Why is the government spending millions of dollars to create a problem and then to come up with some Band-Aid approach to deal with it?

**Hon. Bonnie Mitchelson (Minister charged with the administration of The Manitoba Lotteries Foundation Act):** Mr. Speaker, I think it is very important that we go back and look at the history of gambling in the province of Manitoba.

I indicated in the House just the other day that, yes, 60 percent of gambling opportunities in the province of Manitoba are controlled by the Manitoba Lotteries Foundation, and 40 percent of the legal gambling that is done in the province of Manitoba is done through nonprofit, charitable groups and organizations throughout the width and breadth of our province.

Besides those gambling initiatives that are controlled by government, there is the racetrack which has legalized gambling, and there are forms of illegal gambling that are going on throughout the province of Manitoba.

Mr. Speaker, before government ever became involved, and as Dr. Rachel Volberg did indicate this morning at the news conference—the expert who did this study—in the state of Texas, before there was any legalized gambling at all, there was a very high incidence of compulsive addictive behaviour.

So it is not only activities that are ongoing as a result of government-controlled and regulated gambling that have caused a problem. There are people throughout the width and breadth of North America and indeed the world who do have compulsive behaviour. It is not only as a result of

any activities or any increase in the amount of gaming that is done throughout North America.

**Mr. Edwards:** Mr. Speaker, the government is spending millions of dollars promoting gambling in slick ads to people around this province. That is the question that the minister should answer.

On what basis is she and her government, on what authority have they any public consensus and support for spending millions of dollars of the public's money to sponsor and support and promote something which we know will add to the addiction to gambling for thousands of Manitobans?

That is the tough question. Let the minister answer that for the public of this province.

**Mrs. Mitchelson:** Mr. Speaker, I do not accept the preamble of the Leader of the Second Opposition.

Mr. Speaker, indeed, we have, in our announcement today, announced a treatment, a prevention, an intervention and an education program that is going to deal with all of those who have any addictive, compulsive behaviour in the province of Manitoba, whether they gamble at the racetrack, whether they gamble illegally in illegal forms of gaming, whether they participate in video lottery terminals, whether they travel south of the border to gamble, like many have in the past, and before there was any legal gambling in the province of Manitoba, we did have those with compulsive behaviour. They travelled outside of the province to participate in that activity.

We do know that there is an incidence of compulsive, addictive behaviour in Manitoba, and we are dealing with that by putting resources, treatment, education, prevention and intervention in place.

\* (1400)

### Growth Rate

**Mr. Paul Edwards (Leader of the Second Opposition):** Mr. Speaker, this minister has come forward with a plan which will deal with a total number of 2,000 people over five years. There are currently many thousands more than that who are currently pathological gamblers, and who can tell what they will be after five years of promotion of more gambling by this government?

Mr. Speaker, my question for the minister: What is going to be the growth rate the government hopes for in the number of Manitobans who

gamble, who go to bingo palaces and the Crystal Casino and gamble away? What is their hoped-for growth rate in the number of Manitobans who will attend their glitzy palaces and respond to their glitzy ads?

**Hon. Bonnie Mitchelson (Minister charged with the administration of The Manitoba Lotteries Foundation Act):** Mr. Speaker, I can only repeat what Dr. Rachel Volberg did say today when she referred to the instance in the state of Texas where, in fact, there was no legalized gambling and there was a fairly high, significant incidence of compulsive, addictive behaviour.

Mr. Speaker, compulsive gambling is not unlike any other form of compulsive behaviour. We have people who drink to excess and who have a problem. We have people in the province of Manitoba who have eating disorders, whether they tend to overeat or whether they have anorexia or bulimia. Those are compulsive, addictive behaviours.

Mr. Speaker, we have accepted the responsibility in the Province of Manitoba, and I might add that we are only the second province across the country to implement a program of treatment and prevention. I believe we are acting extremely responsibly in our approach, and what we want to do is deal with those people who do have a problem and try to get to the bottom of the problem and treat them in a very positive manner.

### Personal Care Homes Means Test

**Ms. Judy Wasylycia-Lels (St. Johns):** Mr. Speaker, it is a sad day for seniors when it should have been a celebration. They have been hit with drastic Home Care cuts, coupled with major hikes in personal care home fees, and now with real concerns about this government invading their privacy.

Mr. Speaker, we have been trying to find out for some time from the Minister of Health whether seniors will be forced to submit their income tax forms and statements of income to nursing home administrators so the government can determine the fees based on income.

Yesterday, the Minister of Health finally answered and stated that only the notice of assessment would be required to be submitted. So our question today to the minister is if they can tell

us the difference between a notice of assessment and an income tax return since both, according to Revenue Canada, are confidential documents, and how they can justify having confidential information about a person's income revealed to nursing home administrators.

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, even though my honourable friend is no longer the critic for Health, I want to correct my honourable friend where she again used the typical NDP description of cutback in Home Care.

Mr. Speaker, as I have indicated, we came into office in 1988. The budget was \$34 million. It is now \$68 million—\$34 million more, not less; double the budget, not half the budget; an increase, not a decrease. I know my honourable friend has difficulty acknowledging that, but I would simply like to correct that inaccurate preamble.

Mr. Speaker, my honourable friend was concerned about having to present one's income tax form. That issue has been resolved. The notice of assessment will be the only piece of information that we need for an individual to indicate that they do not have income sufficient to justify the \$46 per diem in the personal care home and that, in fact, they should remain at the current \$26.95 or somewhere in between.

Mr. Speaker, we feel that is the most unobtrusive and less private request and piece of information we could come to, to assure ourselves that no one was going to be charged additional per diems in personal care homes unless they had the ability to pay for those.

**Ms. Wasylycia-Lels:** Mr. Speaker, the minister did not acknowledge the fact that a notice of assessment is a very detailed piece of information about personal income, so our question and concerns remain.

I would like to ask the Minister of Health if he can tell this House and seniors today whether a nursing home administrator has the legal authority to review a person's income tax return and determine what they should be paying.

**Mr. Orchard:** Mr. Speaker, we would expect any resident or their family to indicate to the administrator of the personal care home that their loved one in the personal care home did not have sufficient income to pay the \$46 per diem.

That is a process that I do not believe is intrusive. It will be produced by the individual to show that

they should pay exactly as they pay now, \$26.95, or the maximum if they have the ability to pay as demonstrated in last year's assessment of income tax form.

**Mr. Speaker**, that is, in all likelihood, the least intrusive way to determine whether residents have an ability to pay increased charges, which are not dissimilar from Ontario and other provinces to the east. The rates are increasing in every province, including Manitoba, based on an ability to pay.

**Ms. Wasylcia-Lels**: **Mr. Speaker**, that rhetoric and this convoluted, means-tested formula give no assurances to seniors who feel their privacy is being invaded.

I would like to finally ask the Minister of Health if he will tell the House whether seniors will be required to, in fact, sign over to nursing home administrators the authority to probe into their financial and personal affairs.

**Mr. Orchard**: **Mr. Speaker**, I guess I am somewhat troubled that my honourable friend would be posing these questions when, for instance, again, I will refer my honourable friends to page 4802 in Hansard where I spent time from 4802 to 4803 to 4804 explaining in detail all the parameters of the new policy.

Were there any questions on the detail? **Mr. Speaker**, the answer is a given. There were none. The NDP did not ask a single question in terms of detail yesterday when they did not have television cameras there to try to create the alarmist fear they are doing here today.

I offered to my honourable friends the New Democrats to spend all last evening going into details of this, but, no—

**Mr. Speaker**: Order, please.

### Pharmacare Filing Deadline

**Mr. Conrad Santos (Broadway)**: **Mr. Speaker**, the proposed objective of the Seniors Directorate is to promote the interests of seniors, to ensure programs and policies are sensitive to the needs and concerns of seniors and to implement new initiatives to benefit seniors in Manitoba, both objectives supposedly to be undertaken by a Seniors Directorate consisting of three people who have to serve 147,000 seniors in the province of Manitoba, constituting 13 percent of the population.

The theologian Reinhold Niebuhr said, the human capacity for justice makes democracy possible, but human inclination to injustice makes democracy necessary.

Did this government show the necessary inclination to justice or injustice when it started confiscating 100 percent of Pharmacare refunds regardless of the reason for delay?

**Hon. Donald Orchard (Minister of Health)**: **Mr. Speaker**, I believe this particular issue was dealt with for the last year and a half. Now, lest my honourable friend leave the impression that seniors were the ones who failed to meet the April 30 deadline, let him not paint seniors in that circumstance.

Seniors were far and wide the most regular claimants of the program adhering to the deadline. The allegations my honourable friend makes, as critic for Seniors, does a disservice to the many seniors who filed regularly and on time and received their Pharmacare refunds.

\* (1410)

### Personal Care Homes Fee Increase

**Mr. Conrad Santos (Broadway)**: **Mr. Speaker**, does this progressive government—[interjection] that is in quotation marks—promote justice or injustice by proposing to increase the fees to personal care homes from \$26.50 to \$46 per day, which is a 74 percent increase? Is that justice or injustice?

**Hon. Donald Orchard (Minister of Health)**: You know, **Mr. Speaker**, at the risk of really compromising my future philosophical integrity, I will quote the honourable member for Radisson (Ms. Cerilli), who, in her maiden speech to this House, said, from each according to their ability, to each according to their needs.

From each according to their ability is what this policy does bring in. It says, if you have the ability to pay, if you have the pension income, if you have the net income to support an additional charge in personal care homes, where all of the taxpayers of Manitoba, some of whom my honourable friends have advocated on behalf of as having no disposable income because of taxes and other programs of government—when we are trying to protect those other individuals by asking Manitobans in personal care homes with ability to

pay to pay slightly more, my honourable friend finds it objectionable. Yet they do it in Ontario and all other provinces in Canada, Sir.

Mr. Speaker, to my honourable friend, I find this confounding in logic.

### Home Care Program Housekeeping Services

**Mr. Conrad Santos (Broadway):** When this Tory government slashes the Home Care Program by eliminating all services for housecleaning, laundry and meal preparation, is this government promoting justice or injustice to the disabled citizens of this country who have served this country and built up its economy in the past?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I might pose that question to my honourable friend, the member who just posed the question, because in 1985, my honourable friend was part of the Howard Pawley government when they introduced Support Services to Seniors and asked those seniors, whom he now is trying to defend, to pay for light housekeeping, to pay for meal preparation, to pay for laundry through the Support Services to Seniors Program.

When my honourable friend sat in a government that made that policy decision, did he raise these questions? Did he call Howard Pawley and the New Democrats he was in government with unjust people, or did he say, no, that is good progressive policy?—because, Sir, I happen to have agreed with that policy.

Taxpayers ought not to be asked to pay for housekeeping, for meal preparation and laundry. They should, however, pay for more intensive care services, which we have through the increase of 22 percent in LPNs, 7 percent in nursing, and on and on.

### Home Care Program Alternative Services

**Ms. Avils Gray (Crescentwood):** Mr. Speaker, the Minister of Health loves to wax eloquent about the Support Services to Seniors Program. He has done it for five years. He has done it in this House today.

Now, he is cutting homemaker services for seniors, and he is suggesting that they now avail themselves of the Support Services to Seniors alternatives for homemaking services. Yet the

other day in Estimates, when we asked him what services were available, particularly in the city of Winnipeg, he was unable to provide that information.

Can the minister today table a list of the nonprofit services for seniors that are available within the city of Winnipeg?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, as my honourable friend well knows in terms of dealing with this issue in the Estimates—and I could go to the page and my honourable friend could read the answer that I gave to her in this House—I indicated that there is a constant referral to not-for-profit services where Support Services to Seniors exist. Now, in the policy this year, they will be referred to private providers of the service. That answer was given to my honourable friend, and my honourable friend herself even mentioned some of those private providers as an example.

Mr. Speaker, the range in cost is \$6 to \$9 per hour for housekeeping, the same as it is in terms of the Support Services to Seniors provided programs. It removes an inequity that existed where some Manitobans were receiving free of charge those services and others, by policy established by the NDP in 1985, were paying for them. We removed that inequity.

I am sure my honourable friend would agree with the reinvestment of those dollars into more intensive and complex care provision to maintain independent living for more Manitobans in their homes, Sir.

**Ms. Gray:** Mr. Speaker, the truth of the matter is, there is only one nonprofit service in the city of Winnipeg, and it services the north part of the city. When we contacted them this morning, they basically told us that should there be a number of individuals from the rest of the city phoning and asking for that type of service, they would not be able to cope with the increases.

Can the Minister of Health tell us why he has chosen to cut homemaking services for seniors in this city of Winnipeg before he has ensured that there are alternative services available? Why has he done that?

**Mr. Orchard:** Mr. Speaker, for the very simple reason that for a number of years, residents, seniors, outside of Winnipeg where there is a great deal of sophistication under Support Services to

Seniors, have been paying for their housecleaning. Since 1985 in my constituency, they have been paying for housecleaning. They have been paying for meals. They have been paying for laundry service.

In some areas of the city of Winnipeg, that is not the case because there is not Support Services to Seniors. The program is open to all Winnipeg volunteer groups that want to access that program.

Mr. Speaker, there is an array of service providers readily available, and as individuals are referred to them, they will be provided with a list of alternate service providers, including Support Services to Seniors providers.

**Ms. Gray:** Mr. Speaker, in contacting the Department of Health today, in fact, there were no alternatives that were given to people who called, and there is no such list.

My question to the minister is: Is he prepared to put some accurate information on the record and tell us why he has decided to cut homemaking services when his Support Services to Seniors Program has not had an increase in budget and, in fact, they have not ensured that those alternative services are in place?

**Mr. Orchard:** Well, Mr. Speaker, when my honourable friend exhorts me to put accurate information on the record, surely my honourable friend might comply as well.

If my honourable friend would review the answer in Hansard, she will find that with Support Services to Seniors, there are something like 27 new organizations funded in this year's budget—new, new, increased services. Now, my honourable friend, of course, would never, never say there was an increase in the number of Support Services to Seniors Programs.

Mr. Speaker, we made this decision precisely so that we can reinvest those dollars into providing more nursing care from registered nurses, Victorian Order of Nurses, licensed practical nurses and home care attendants to provide ever greater levels of—

**Mr. Speaker:** Order, please.

### **Substance Abuse Treatment Programs**

**Mr. George Hickes (Point Douglas):** Mr. Speaker, this morning the government

acknowledged that there is a major problem in this province with pathological and problem gamblers, a problem that is growing due to the rapid expansion of gambling in this province by this government.

Since the government now has agreed to put forward a very modest program to assist some 400 out of 20,000 problem gamblers, will the Premier (Mr. Filmon) now also put in place greater assistance for solvent abusers?

**Hon. Bonnie Mitchelson (Minister charged with the administration of The Manitoba Lotteries Foundation Act):** Mr. Speaker, I tend to disagree with the member opposite when he talks about a modest program put in place and the government just now recognizing or taking ownership over responsibility, or this government taking ownership over responsibility for gambling.

When we look at the research in the study that was done, it says that the favourite gaming activities in Manitoba are lottery and scratch tickets, and 28 percent of Manitobans find that to be their favourite gaming activity, gaming activity that was put in place under the New Democratic administration previous to this government.

Mr. Speaker, we also do know that 9 percent of Manitobans consider—

**Mr. Speaker:** Order, please.

### **Point of Order**

**Mr. Steve Ashton (Opposition House Leader):** On a point of order, Mr. Speaker, Beauchesne Citation 417 states very clearly that answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate.

The member asked why this government will not introduce a program of treatment for solvent abuse. We would appreciate an answer to that question.

**Mr. Speaker:** On the point of order raised, the honourable Madam Minister, I believe, has finished with her answer.

\* (1420)

### **Substance Abuse Northern Treatment Programs**

**Mr. George Hickes (Point Douglas):** Mr. Speaker, it is a shame that the Premier does not find solvent abuse a serious enough problem to answer a serious question.

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

### Points of Order

**Hon. Gary Filmon (Premier):** Mr. Speaker, on a point of order, I would appreciate if the member opposite would be a little honest with the public and not suggest that I do not find solvent abuse an important issue. I do indeed.

I do not find it an issue on which somebody should make cheap politics as the member opposite is attempting to do.

**Mr. Speaker:** Order, please. The honourable First Minister did not have a point of order there. It was a dispute over the facts.

\* \* \*

**Mr. Ashton:** On another point of order, Mr. Speaker, the Premier in raising a so-called point of order, which you ruled not to be a point of order, also made allegations in terms of honesty.

Once again, the Premier should set an example in this House and withdraw that comment and answer the very important question put forward by the member for Point Douglas.

**Mr. Speaker:** Order, please. The honourable opposition House leader did not have a point of order.

\* \* \*

**Mr. Speaker:** The honourable member for Point Douglas, with your question now, please.

**Mr. Hickes:** Mr. Speaker, Bill 29 will no doubt be passed in the near future because the government has a majority. What northerners want is a facility to treat the victims.

Why does this Premier not acknowledge the fact that the facility will house aboriginal and nonaboriginal abusers in northern Manitoba?

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, my honourable friend does not always share full information. My honourable friend does not recognize that this Premier (Mr. Filmon), this government, established supportive funding for Lemay House at the St. Norbert adolescent treatment centre for adolescent women in the province of Manitoba.

My honourable friend likes to make the case that we do not care and we do nothing. The only time nothing happened for sniffers in Manitoba is when Howard Pawley was the Premier. That is the only time nothing happened.

Now, Mr. Speaker, let me tell my honourable friend that Bill 29 could be law today if my honourable friend had passed it onto committee so this House could have dealt with it on Friday last and proclaimed it as law, but he ducked his responsibility on that day and would not debate the bill.

**Mr. Speaker:** The honourable member for Point Douglas has time for one very short question.

**Mr. Hickes:** Mr. Speaker, two people have died in Nelson House in the last two weeks. Since the Volberg report acknowledges the need for more substance abuse treatment professionals as a result of the growing gambling problems, I wonder if the Premier (Mr. Filmon) would be prepared to save tax dollars by increasing such preventative programs for solvent abusers, as well, in northern Manitoba.

**Mr. Orchard:** Mr. Speaker, we will undertake efforts within our jurisdiction to help with that problem as we did at St. Norbert Foundation, as we are attempting to do with legislation that will work, that will work to help stop abuse of solvents by all Manitobans, including northern Manitobans.

We cannot do that if members in the opposition, particularly the questioner, refuse to speak to the bill, to pass it on to committee so it can become law and help those very people whom he stands up for and tries to defend. Get on with passing the bill is my urging to the NDP.

**Mr. Speaker:** The time for Oral Questions has expired.

### Committee Changes

**Mr. George Hickes (Point Douglas):** Mr. Speaker, I move, seconded by the member for Wellington (Ms. Barrett), that the composition of the Standing Committee on Law Amendments be amended as follows: Wellington (Ms. Barrett) for Interlake (Mr. Clif Evans); Swan River (Ms. Wowchuk) for Elmwood (Mr. Maloway), for Tuesday, June 29, at 7 p.m.

I move, seconded by the member for Swan River (Ms. Wowchuk), that the composition of the Standing Committee on Economic Development be amended as follows: Selkirk (Mr. Dewar) for Burrows (Mr. Martindale); Radisson (Ms. Cerilli) for Dauphin (Mr. Plohman).

**Motions agreed to.**

**Mr. Edward Helwer (Gimli):** Mr. Speaker, I move, seconded by the member for Portage la Prairie (Mr. Pallister), that the composition of the Standing Committee on Law Amendments be amended as follows: the member for La Verendrye (Mr. Sveinson) for the member for Seine River (Mrs. Dacquay); the member for Brandon West (Mr. McCrae) for the member for Arthur-Virden (Mr. Downey); the member for Portage la Prairie (Mr. Pallister) for the member for Assiniboia (Mrs. McIntosh); the member for Gimli (Mr. Helwer) for the member for Kirkfield Park (Mr. Stefanson).

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 St. Norbert (Mr. Laurendeau) for the member for Turtle Mountain (Mr. Rose); the member for Minnedosa (Mr. Gilleshammer) for the member for Portage la Prairie (Mr. Pallister).

**Motions agreed to.**

### ORDERS OF THE DAY

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, I will be making announcements a little later with respect to sitting hours and the workload plan for tomorrow.

I would announce at this time, though, that the House will not sit on Friday, July 2, and after tomorrow will reconvene on Monday, July 5. Also, later on today I will be making an announcement with respect to standing committees.

Mr. Speaker, would you call Bills 29, 30 and 32 in that order.

**Mr. Speaker:** As the honourable government House leader has indicated, the House will not be sitting on July 2. Our rules state very clearly that we have sitting hours on a Friday. Is there unanimous consent of the House that we do not sit on July 2? [agreed]

We will sit again, Monday, July 5. I would like to thank the honourable government House leader for that information.

### DEBATE ON SECOND READINGS

#### Bill 29—The Minors Intoxicating Substances Control Act

**Mr. Speaker:** On the proposed motion of the honourable Minister of Justice (Mr. McCrae), Bill

29, The Minors Intoxicating Substances Control Act; Loi sur le contrôle des substances intoxicantes et les mineurs, standing in the name of the honourable member for Point Douglas, who has 24 minutes remaining.

**Mr. George Hickeys (Point Douglas):** Mr. Speaker, I am glad to be able to continue speaking on Bill 29 because it has been sitting since the last day that we were dealing with bills.

I find it incredible how the Minister of Health (Mr. Orchard) responds to Bill 29, as if that will answer all the problems that we have pertaining to solvent abuse in northern Manitoba. What the communities and what the individuals in northern Manitoba are saying is that without a treatment facility we will not be able to treat the young aboriginal people who have fallen into the abuse of solvents and are ruining their young lives and ruining their potential careers.

Bill 29 will not be the only answer for the people of northern Manitoba. What the northern people are saying is that we need a treatment centre built in northern Manitoba to treat all abusers in northern Manitoba.

What the government is saying, it is a federal responsibility, and so the message I get from the government and other people from the North is that only people in northern Manitoba who have a problem with solvent abuse are treaty individuals. That is a mistake, and that is wrong. It is not only treaty people who are abusing solvents. You can look right across northern Manitoba, and you will see that it is a lot of individuals who are nontreaty and who are not even aboriginal who have the same problems. So, when you talk about building a treatment centre in northern Manitoba, you are looking at a facility to look at treating all northerners.

Yes, this government does have a responsibility to represent all Manitobans, and that is where I find it very ironic when I hear the government stating it is a federal responsibility, it is under the jurisdiction of the federal government, we do not have a responsibility. I think that is totally wrong. If it is going to be built on a reserve or in a community, that should not make a difference.

This government could lead the way by organizing a meeting with the federal representatives and with northern leaders and in co-operation with all parties and individuals,

leaders from the North, to try and come up with a solution that is workable to meet the serious problem we have before we lose more young valuable lives in northern Manitoba. That is what the people in northern Manitoba have been stating.

It is not a problem only pertaining to treaty people. It is pertaining to all northern Manitobans. It is a problem pertaining to all Manitobans. We have two facilities here in Manitoba: one is at the St. Norbert Foundation; the other is Sagkeeng Centre. They are both in southern Manitoba, and there is nothing in northern Manitoba. There is such a huge, long waiting list.

Mr. Speaker, when we had an information session that was put on here at the Legislative Assembly of Manitoba, in this building, in Room 254, and the chiefs were there and other interested people from all across Manitoba were there, and the panel gave such a beautiful presentation.

They showed a video tape of this young adult from Oxford House who had a very serious solvent abuse problem. It showed, with proper treatment and proper supports, the recovery; this individual was able to overcome. It was just like night and day. This individual who started off in the video tape had poor motor skills, poor functioning; could not even take his finger and touch his own nose. The doctor asked him to touch his index finger with the doctor's, and he could not even accomplish that. It was waving all over the place. After treatment, through treatment programs, this individual was able to regain a lot of his motor skills.

That is the kind of program that our leaders and the people in Manitoba are talking about. The sad ending to that story was that the individual, after coming down south, and going back into the home community without support systems, without adequate workers in northern Manitoba, fell back into the trap of solvent abuse. Sad to say, Mr. Speaker, this individual is no longer with us today.

We just heard within the last couple of weeks that another young individual in Nelson House, 15 years old, has lost his life over solvent abuse. Just prior to that, a 17-year-old from Nelson House lost his life over solvent abuse. When are we going to be responsible representatives of Manitoba and do something? The leadership is crying out for help, crying out for co-operation.

\* (1430)

We were in Estimates of Native Affairs Secretariat last night, and I asked the minister to please take a lead role, organize meetings. Nobody has to take any credit for accomplishing something. It should be a co-operative effort by all concerned citizens of Manitoba, by all parties. Whatever we can do to help, we should be willing to work with the leadership in a co-operative manner to try and overcome the serious problem we have.

Bill 29 is trying to address that, but Bill 29 has some flaws in it. We have been seeking advice from experts. I have met with people who are very involved in working with solvent abuse and very concerned about the problems, and one glaring error in this, and I just very briefly touched on it prior to today, was the whole idea of looking at incarcerating our youth in the youth centre.

I read a letter from the Justice department that said the reason to do that is because through the interrogations of the police officers they will be able to find out where the abusers got their solvents from. Mr. Speaker, we all know what that would accomplish. If the individuals told the authority where they got their solvents and the suppliers found out who these individuals who were telling on them were, all we have to do is look at all of our youth, when we were all going to school.

You are always very wary of the schoolyard bully. How do schoolyard bullies operate? They operate on fear. You know, Mr. Speaker, that if you ever told the teacher on the schoolyard bully, what happened to you if that bully ever caught you walking down the street on your own. We are putting these children in jeopardy by saying, well, it is going to help us solve the problem because they will tell us who their suppliers are and in turn we can charge the suppliers. How are they going to prove unless the child tells who their suppliers are?

Two things: Children without proper treatment who still are addicted to solvent abuse will not give up their source of solvents because they want it for their own further use. The other thing is we put them in jeopardy of being abused and threatened. You know, we have to be very, very careful here because the suppliers are not our most honest citizens in Manitoba. Some of them are the most ruthless individuals in Manitoba. They will resort to anything to protect their source of income and to protect themselves. So are we doing justice to these children by putting them in that kind of a situation where you tell where you got your solvent



from and in turn we will use that evidence to charge Joe Blow? Well, Joe Blow will be after those kids in no time flat. I think that is very, very unfair to put these children—because we are talking children from 12 to 18 years old.

**An Honourable Member:** Just let them keep on sniffing?

**Mr. Hickes:** No, you do not let them keep on sniffing. You develop treatment centres and the proper support systems to help them. What you do is you try to enforce easier possibility of laying charges to the sellers of solvent abuse. What you want to do is you want to try and get after the suppliers of solvent abuse and hit them hard and make them learn that selling solvent abuse not only to minors but to anyone is not right, and that you will be dealt in a harsh, harsh manner. That is the way to look at it, and then look at trying to have proper support systems in place to help our abusers to overcome that problem. It is a dollar that would be well spent.

Mr. Speaker, when we talk about Bill 29, any bill if it is open to proper support and proper co-operation from all parties and outside expertise, and with the willingness to amend the good recommendations that should be coming forward from all parties, from interested individuals and the front-line people who deal with this on a daily basis, if the government is open to positive amendment and changes, maybe we will have something that is workable and that we could finally start doing something for the solvent abusers. Sloughing off the responsibility or saying you are playing politics with this—I do not think any individual in this Chamber should ever try to play politics with a human life. This is an abusive problem that is killing our youth. It is not the time to play politics with something that serious.

Mr. Speaker, the other thing that we have to look at is that, when we have the open window and the opportunity to look at addressing the seriousness of solvent abuse that we have in Manitoba, we also have to look at not only the restrictions. The problem of solvent abuse ends when you are 18 years old? It does not. When you are 12 to 18, you might be abusing solvents, but when you are 18, if you have not done anything with that problem, you will continue to have that solvent abuse problem. We need to expand this bill to help treat solvent abusers of all ages.

Mr. Speaker, this bill is only referring to individuals from 12 to 18. We need to look at the problem of adults, too, because I know individuals, have talked to individuals personally who had been abusing and are still abusing. Some are 24, 25 years old and in such sad state. It kills the brain, the brain cells, and they have a hard time; and, when they try to walk they cannot even walk right. I do not know, it is a very, very serious problem, and it is a very emotional problem because it does so much damage to a lot of the people that we see.

One of the sad situations that we see in northern Manitoba, or I have seen—and when I go up, I do see—is the whole problem we have of gas sniffing. I know you cannot lock up and store gasoline where no one can reach it. In northern Manitoba you depend on gasoline, because in the summertime you need your boats and motors, and in the wintertime you need your ski-doods. I think that, through proper education and proper treatment available and proper supports when an individual comes back, that will go a long way. By younger children seeing individuals that have overcome and turned their lives around, and we see positive role models that way, then I think it would send a strong message to our youth in northern Manitoba and help them overcome.

Mr. Speaker, one of the most positive things that this government has done pertaining to solvent abuse in northern Manitoba has been the action that this government has taken towards training and employing northern recreation workers for our youth. Also, the money that they gave to support our northern fly-in camps, sports camps. You know, and I fully know, that when you have recreational opportunities and things that are fun, and things for the children to do, idle minds will not be trying to discover ways of, you know, their own form of entertainment. Those are positive measures. Those are the kinds of action that I strongly encourage, and I hope the government will continue to bring forward.

I am not here to debate and say that Bill 29 is totally wrong, and we have to oppose it because it is a government idea. Mr. Speaker, I really do not care whose idea it is. Let us make it workable for the children and the adults that have this very serious problem, and help them overcome this. When a person has an addiction to whatever it is, and when you are able to overcome it and straighten out your life, and then be in a position to

give some of it back, it means so much to a lot of people.

\* (1440)

Mr. Speaker, I hope the government is open to listen to the public, listen to the people, and work co-operatively. A good example was the Minister of Consumer and Corporate Affairs (Mrs. McIntosh) and the way she handled the cooking wine problem that we had in the city of Winnipeg. Now, she consulted with the suppliers; she consulted with the front-line workers; she consulted with a lot of individuals that had a lot of experience in that area. She took their recommendations seriously, made the appropriate changes. You know, you hardly ever hear of anyone abusing cooking wine today. In Point Douglas there used to be a serious problem; I have not seen any bottles of cooking wine in any of the parks or on the street. That was done in a very, very professional, caring manner. I think that is what it takes to address this bill and to be open, to listen to the people that are out there. Take their recommendations and work with the people to overcome this.

Mr. Speaker, I thank you for giving me the opportunity to speak on this, and I hope that positive things can come about for the positive development and positive actions for the people that have this very, very serious problem, and that someday we will help these individuals overcome their problems and continue on with a rewarding life that everyone deserves and everyone should have the opportunity to look forward to. Thank you.

**Mrs. Sharon Carstairs (River Heights):** Mr. Speaker, I rise to speak on Bill 29 with some positive and some negative feelings about this particular piece of legislation—positive because the nature of the bill is one that we have been looking forward to for a long time.

When this government was in a minority position, all three parties agreed that there should indeed be a piece of legislation known as an antisniff bill. It was introduced by the member for St. Johns (Ms. Wasylycia-Leis), when she was an opposition critic for the New Democratic Party at that particular point in time, and I think all of us felt that it would go a long way to meeting the needs and the expectations of those who work within the field.

The Minister of Health (Mr. Orchard) argued for a period of two years that, although the legislation had been passed unanimously in the House, his

staff was informing him that the bill was not enforceable. So we waited through 1990 and through 1991 and into 1992 for a presentation of a new bill which would be enforceable and which would have an effect in controlling access to products, such as sniff, which devastates not only northern communities in the province of Manitoba, children in particular, but also many children, aboriginal and nonaboriginal, living within the city of Winnipeg. So we waited for the bill.

When the piece of legislation arrived, one of the first comments was made by a representative of the City of Winnipeg Police Department, who informed us that this bill, too, was unenforceable and that it would not, in fact, prevent the abuse of purchase of product that the whole intention of the original bill was supposed to do.

Mr. Speaker, it went further than that, and this is the tragedy, I think, of this particular piece of legislation. In the original piece of legislation, the onus was on the seller of the product. He or she had to prove, or at least have reasonable means, by which this product would not be used for sniffing purposes. Now the onus is on the purchaser to affirm to the seller that he or she is not going to use this product for sniffing purposes. Now that is a rather fundamental shift in the manner in which this legislation is being introduced.

Let me give you an example. A 13-year-old boy walks in, and he buys 16 tubes of airplane glue. He says to the shop owner, well, I am not just buying this for myself. I am in a Cub pack, and there are 16 of us all building model airplanes, so I need 16 tubes of this glue in order to have one for each one of my fellow cubs. The owner of the store says, oh, well, that is reasonable. Obviously, any young man could be a member of a Cub Scout organization. I will sell him 16 tubes of airplane glue.

But let us be realistic, Mr. Speaker, if indeed the young man were buying 16 tubes of airplane glue, then he was probably a very generous young man. In all likelihood, there was only one purpose for him buying 16 tubes, and that was to go behind the store and to begin sniffing along with his fellow friends. That is the tragedy.

If that owner of that store was hauled into court, all he has to prove under the present legislation is that it was reasonable for him to presume that this

glue was going to be used for a project other than sniffing.

I think that burden of proof is a ludicrous one. When we visit inner city stores, and I have certainly done that, and you see shelves of Lysol, you know for a fact that people who are purchasing that Lysol are not purchasing it in order to have spick-and-span, disinfected homes. It certainly is a presumption, but the reality is that, if you go into a 7-Eleven in my district, you might see five or six cans of Lysol disinfectant on a shelf, but when you go into an inner city store and you see 36 tins on a shelf or even more, then you can also make a presumption as well. The presumption is that perhaps either they are extraordinarily clean in the inner city, far cleaner than they are in my constituency of River Heights, or perhaps there is an alternate purpose for the use of Lysol.

I would suggest to you, Mr. Speaker, that in many of those communities they are selling Lysol for an alternate purpose other than as a disinfectant. They are selling it because, for some strange reason, it creates a high. I would not know, I have to tell you, I have not tried, but the reality is that that is what I am told by the experts it does.

Again, you have a strange presumption here. When an individual goes in and buys one can of Lysol, perhaps the argument can be made that they are, in fact, using it for disinfectant purposes—sounds reasonable. Now, if they are buying a can every single day, seven days a week, 30 days a month, then perhaps you could have another motivation. But, when they go in and buy two or three or four or five cans of Lysol, then unless they are running a boarding home, unless they are in business for disinfecting other people's homes, the chances are they cannot go through that much disinfectant in spray form unless they are using it for a purpose other than what the product was entitled to be.

So it is the burden of proof that has changed dramatically in this piece of legislation from the original piece of legislation. The difficulty that I think is confronting all of us in this House is: do we pass this piece of legislation because it is better than having no legislation at all, or do we reject this piece of legislation because it is woefully inadequate?

I think there is only one thing for us to do at this particular point in time, and that is, to pass this

piece of legislation into committee to hear from experts with regard to substance abuse, to introduce amendments which I intend to do when we get to the committee stage on this particular piece of legislation in order to change the burden of proof back onto the seller and away from the purchaser.

Mr. Speaker, that is what I think we have to do at this stage in the legislative session. So I will be the only speaker from the Liberal Party on this particular piece of legislation, and we will be prepared to send it on to committee as soon as the other opposition party is prepared to do so.

But I want to just make a few remarks about something else; that is, what this legislation appears to do is to victimize the victim. You are now putting the burden of proof on the purchaser who, coincidentally, also happens to be the victim. That person, for reasons unknown to most of us sitting in this room, has a view of life which is that they require a high, a high which is provided by a substance such as Lysol or airplane glue. They do not get their highs, as many of us do, by working in a Chamber like this or by having a fulfilling life or by having warm and positive relationships. They have tended to opt out of that kind of existence, and they live in another world, a world in which they surround themselves with intoxicating substances.

There is only one hope for those individuals, and that is that they will get treatment for their abuse, not that they will be penalized for abusing, but they will be provided with a treatment program that will enable them to no longer be dependent upon such abuse.

\* (1450)

That is not what this legislation does. This legislation penalizes them for their use of intoxicating substances, but it does not provide any wherewithal for them to obtain the treatment so necessary for them to find. We have had three young people who have died of substance abuse in the last three months, all in northern Manitoba. We have 22 beds only for substance abuse in the city of Winnipeg. We have no beds for substance abuse outside of the city of Winnipeg. The problem would appear numerically to be much larger in the North in terms of raw percentage scores than it is in the city of Winnipeg, but there is not a single treatment bed in northern Manitoba.

We have a situation in which we know that the primary responsibility, because many of these young people are living on reserve communities, is with the federal government, but what we have not seen from the Minister of Health (Mr. Orchard) or from the Minister of Northern Affairs (Mr. Downey) is the kind of positive promotion of this centre which is so desperately required.

Manitoba seems to have a very laissez-faire attitude with respect to the federal government. They seem to believe—and it does not matter what the government stripe, because it certainly happened under the NDP and the CF-18. They have this attitude that if you do things correctly, then the federal government, in turn, will do things correctly. But the reality is, it does not work that way. The reality is that there are those who are negotiating hard in Ottawa. While Howard Pawley was sitting here saying, we have the best offer, so of course we will get the CF-18 contract, Robert Bourassa and his emissaries were going back and forth to Ottawa putting pressure on the federal government. Ultimately, they got the contract.

When the federal government decided to establish an aboriginal treatment centre for female inmates and the choice was between Saskatchewan and Manitoba and Alberta, Manitoba was laid back, Saskatchewan was overtly aggressive, and they got the centre.

Well, now we have a situation in which the federal government is examining the possibility of treatment beds in one of the three northern provinces. It is unlikely they will build them in all three, and what we need is some aggression on the part of the Minister of Health (Mr. Orchard) and the Minister of Northern Affairs (Mr. Downey) to put the case before the federal government that that treatment centre should be located in Manitoba, that we have lost the opportunity for other treatment centres, for other rehabilitation centres, for other inmate institutions, and this time it is our turn. We should have the statistical data together. We should have the evidence to present, and we should be fighting hard to make sure that those beds are located in northern Manitoba, and that I do not see is very much a part of the agenda of either the Minister of Health or the Minister of Northern Affairs.

So I look forward to this bill going to committee. I look forward to those who work with street kids and those working on northern and remote communities

to make presentations to us. I look forward to amendments which will move the onus and the burden of proof away from the purchaser and on the seller, who is the one who is making money on the backs of these people who have become, unfortunately, driven by their intoxication to a substance such as sniff, and I look forward to a better bill passing out of that committee and back into this Chamber. Thank you, Mr. Speaker.

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

**Mr. Jerry Storie (Flin Flon):** Mr. Speaker, I would like to put a few words on the record with respect to Bill 29, partly because this bill has a long history in this Chamber.

My colleague the member for St. Johns (Ms. Wasylycia-Leis) identified in her remarks that this legislation was previously and once upon a time agreed upon by all members in this Chamber to my knowledge. Certainly all political parties represented in the Legislature agreed when we, in a minority government situation from 1988 to 1990, passed Bill 91, which was also a bill that was designed to use the force of law to protect minors and substance abusers from obtaining substances which could be sniffed or ingested in one way or another to the detriment of those individuals.

(Mr. Bob Rose, Acting Speaker, in the Chair)

Mr. Acting Speaker, I have said on other occasions, that it concerns me a great deal, having spent so much time collectively in passing Bill 91, that we would then turn around and delay and delay the putting into force of that legislation when we realized, all of us, what a cost there has been for many, many young people, many families and many communities in the intervening months and now years.

I said I had two reasons for joining the debate. One is the fact that this bill does have a history, that we have now been debating this question for approximately five years, but I rise to speak on this bill as well, because this issue, substance abuse, is one of great concern to many of the communities in my constituency.

Mr. Acting Speaker, substance abuse is not a matter which is the preserve of the inner city of Winnipeg. The fact of the matter is that substance abuse and sniffing, whether it is gasoline or glue or dozens of other substances, occurs with alarming regularity in communities across this province. The sad truth is that the farther north you go, the more

serious and the more pervasive are the instances of substance abuse.

Mr. Acting Speaker, that stems in part from the high unemployment, from the lack of recreational opportunity, from the lack of information, from the isolation of services to support individuals who need that support. We have argued with the government on many occasions that many of the things that they are doing, the cutbacks to our Friendship Centres in northern Manitoba, the cutbacks in resources to Northern Affairs communities, the cutbacks in resources to and cutbacks of service in many, many northern communities, the withdrawal of social service and Family Services officers simply increases the degree of alarm and concern that I have as an individual MLA about substance abuse.

Mr. Acting Speaker, I know that my colleague the member for St. Johns (Ms. Wasylycia-Leis) and others have talked about the long debate and the long set of discussions that led to the passage of Bill 91. We are convinced that this piece of legislation may not in fact work as well as the compromise that was reached in 1991. The fact of the matter is that there is going to be no piece of legislation dealing with this kind of issue which is easy to enforce.

I know that was one of the major concerns that the Minister of Health (Mr. Orchard) expressed on each occasion when this matter was raised in the Legislature. The Minister of Health kept expressing concerns over the enforceability of the act and kept attempting to suggest that the government was not moving because of a difficulty that was apparent, perhaps only to the Minister of Health, with respect to the implementation.

Mr. Acting Speaker, there can be no doubt that we all agreed at that time that something had to be done. In fact, the current Minister of Justice (Mr. McCrae) was quoted back in 1990 as saying, we have to have legislation like this. In a matter like this, there is all kinds of room for agreement amongst right-thinking and caring Manitobans, which I trust that all members of this House are. That was the Minister of Justice back in March of 1990.

**An Honourable Member:** The same Minister of Justice?

\* (1500)

**Mr. Storle:** The same, the current, the former and the present Minister of Justice. The fact of the matter is that we all agreed.

I think most Manitobans would have a great deal of difficulty analyzing this particular legislation. What caused the delay?

One of the concerns that had been raised, of course, is the concern that is more obvious in this legislation of making victims of victims. This is a serious problem. There is no simple, single reason why teenagers and others abuse substances. There is no single reason why this playing really on our young people has been increasing. There are all kinds of explanations.

We could talk about the economic circumstances of most of the victims of substance abuse. The fact of the matter is that they tend to be younger. They tend to be unemployed. They tend to lack the skills that would make them employable. They tend to have little or limited education, and those in themselves are serious problems that we hope the government will address at some point.

Mr. Acting Speaker, we recognize that, apart from the socioeconomic reasons for people moving to substance abuse, stemming that tide is equally difficult. We believe, of course, that if the government was serious it would begin by enhancing the educational opportunities and the employment opportunities for people who are subject to substance abuse. We certainly believe that the government, as was requested by one of my colleagues today, should begin to establish a substance abuse treatment centre, certainly in northern Manitoba where I indicated earlier the problem is particularly severe, where the options in terms of treatment are particularly limited.

So we believe there are things that the government can do, apart from this legislation, which the government currently is not doing and which the government should do.

Mr. Acting Speaker, Bill 29 is limited in terms of, I guess, placing the blame. What Bill 91 attempted to do was place the onus on the supplier of these substances. As my colleague from Point Douglas (Mr. Hickes) indicated, although it is certainly possible that suppliers, the corner store merchants in the inner city and remote communities, the small businesses in our province that supply these kinds of products, whether it is shoe polish or nail polish or anything else, they clearly cannot in every

instance guarantee how a particular product is going to be used or abused. I think that there is a clear and present signal for any retailer, any supplier providing these kinds of products which should require them to behave responsibly. The principle of Bill 91 was that no one should be selling these products unless they were certain that this product was going to be used responsibly.

Mr. Acting Speaker, I do not believe that most people would think that an individual attending at a small corner store, a small, what we call, mom-and-pop grocery store, would believe that buying a half a dozen cans of Lysol at eleven o'clock at night was normal, nor would selling a tube of glue to a young person who was obviously already intoxicated, who was obviously already in a state of neglect. I guess the fear is and the fear was that somehow innocent people, innocent suppliers would be wrongly accused because of this legislation, because the onus was on the supplier to ensure that the sale was legitimate.

Mr. Acting Speaker, the previous bill would have required that many of these products be taken from the shelf and only dispensed in a thoughtful way by the individual retailer. Again, not wanting to limit the right of trade, not wanting to limit the retailer's right to sell legal products to consumers, but wanting to make certain, as we do, for example, with some pornographic material, that it is not readily available, easily available to parts of our population, particularly our young people. Those are what are called reasonable limits.

Mr. Acting Speaker, I sometimes think that we as legislators fear to impose reasonable limits. We are sometimes overly concerned about the Charter of Rights and the Charter implications in the legislation we pass.

If I was going to give credit in this Legislature to something that we collectively have done, it would be for example Bill 3, that was passed a number of years ago dealing with drinking and driving. There were some, some in this Chamber, who said that the implications of Bill 3 were rather severe, drinking and driving legislation would be an imposition on individual rights and freedom.

Mr. Acting Speaker, that is part of the responsibility, the collective responsibility of this Legislature. For a hundred and how many years is it?—126 years, government after government, administration after administration, regardless of

political stripe, have imposed limitations on individual and collective rights in the province of Manitoba.

Mr. Acting Speaker, I do not think we should fear the Charter of Rights. I am one person who believes that the provisions within the Charter that grant legislators and parliamentarians the right to impose what are called reasonable limits should be taken up more often, that we should not be afraid that a challenge will rule something is unconstitutional because it violates the Charter of Rights. We should do what we believe is right. We should do what we believe is fair as legislators.

Mr. Acting Speaker, I go back to Bill 91, when one of the concerns was the onus that was being placed on the retailers of these products. I do not think that that was an unreasonable limitation. The limitation did not prohibit the sale of legal products, but simply said there was an obligation, a social, a communal obligation to ensure that product was not being sold in a way which was likely to damage individuals and families in terms of their health and their long-term ability to contribute to our communities.

The fact of the matter is that this new legislation was certainly as strong in terms of its implication, in terms of its ability to protect solvent abusers, it was certainly as strong as Bill 29. We certainly believe that the new legislation is better than nothing. It certainly is going to be an improvement over the rather weak and limited controls that currently can be placed on retailers.

(Mr. Speaker in the Chair)

\* (1510)

But, Mr. Speaker, it is not strong enough. It emphasizes too much the onus being on the individual who is purchasing these products. I recognize that most members will know that when these particular products are purchased, quite often, the individuals involved are already under the influence of intoxicating substances, that they are already of a mind-set to continue to abuse these products, that they already have, in many circumstances, in many instances, been long-term abusers themselves, and may no longer either realize the consequences of what they are doing, or frankly, if they do realize the consequences, they may not care.

Mr. Speaker, that is another point that I want to spend some time discussing. I want to tell the

people in this Chamber about the degree of despair that exists, particularly in some of our northern communities, where, as I mentioned earlier, there is such significant unemployment, such lack of opportunity, and at every turn further opportunities and further training and educational opportunities are being withdrawn by the government.

Mr. Speaker, this bill, Bill 91—and Bill 29—really attempts to deal with the symptoms of a social problem. The symptom is the willingness, the desire on the part of individuals to abuse substances that are known to be harmful. That has always been a feature, I suppose, of societies, whether it is the abuse of alcohol or abuse of other legal substances, but the fact of the matter is the abuse of these substances is endemic in some communities.

Mr. Speaker, why are they using these substances? Well, they are using these substances, No. 1, because they are available, and this bill and the previous bill attempted to limit availability, but they are using these substances because of the despair they feel in their own personal lives and in their communities.

Mr. Speaker, I do not know how many people in this Chamber have had an opportunity to visit the community of Shamattawa. I do not know how many of the people in this Chamber have had the chance to visit a number of other small, small, remote communities.

I will give you an example of what is happening right now. Because of changes to the post-secondary education support guidelines of the federal government, the E-12 guidelines, Status Indians, Indians from First Nations across this province, who at one time saw some light at the end of the tunnel, knowing that if they worked hard in school and if they graduated, would be going on to post-secondary education, have now been put on—well, actually, were put on waiting lists approximately three years ago.

What happens is someone from Easterville or someone from Pukatawagan or someone from Garden Hill who has struggled with their parents and their community to come to the point of graduation now is told that there is no opportunity for university this year. That is what happened in 1990. They said, well, we are going to start creating these waiting lists. So students who graduated were told, just put your life on hold,

remain in the community where there are dozens of other young people who have already given up on life, who are already into substance abuse, who are already in trouble with the law, and they said, no, you students remain in the community. Mr. Speaker, that became two years and then three years and then four years.

Mr. Speaker, I do not think there is anyone in this Chamber who believes that someone who has graduated from high school is going to have the will, let alone the academic skills, after four years of unemployment and despair, living in a community where there is little hope for employment, where there is little to do that is constructive.

So, Mr. Speaker, the problems these young people face in their own communities have been exacerbated by actions of the government in Ottawa, the Conservative government there, and because of actions of the government here, as well, because the same cycle of despondency and despair, the same cycle of delay in terms of available opportunities goes on in non-Status communities like Sherridon and Wabowden and Brochet and South Indian Lake.

The number of spaces that are available in our ACCESS programs and BUNTEP programs, the student bursaries, the Student Social Allowances Program that have been eliminated have simply meant that these people, the young people in those communities, even those who have struggled to achieve academically, who have aspired to post-secondary education, who have aspired to training beyond what was available even to their parents or to their brothers and sisters in many cases, are going to be left wanting.

They are going to start to be infested with the despondency, the despair, the depression, which has infested, Mr. Speaker, many northern communities. It is not just northern communities. I think that many rural communities generally have the same sense of despondency when it comes to opportunities for their young people.

So, Mr. Speaker, we need a broader approach. Yes, Bill 29 may be better than nothing. I do not believe that it is as good as the compromise we worked out in 1990. I do not think it is as good as Bill 91, but it has some merit at least, and we on this side are going to be listening in committee, listening to the Minister of Justice's (Mr. McCrae) explanation for some of the changes and for the

approach that this bill takes before finally deciding whether this bill is ultimately supportable.

I want to emphasize that this is not the answer to the problem. This deals with the symptoms that young people from across the province are displaying because of the economic circumstances, the lack of educational opportunities, the concern that they have about their futures. The end result is that they often follow their peers who have already given up on life, and turn to substance abuse and turn to a lifestyle which is ultimately destructive to them, ultimately destructive to their communities, and ultimately destructive to our society.

Mr. Speaker, those are my remarks. I want to end by urging the government not only to proceed, as I believe they intend to do with Bill 29, but to proceed on that other agenda which, in my opinion, will reduce the need for this kind of legislation and ultimately be more beneficial than trying to solve the problem that we are creating as we go.

**Mr. Steve Ashton (Thompson):** Mr. Speaker, I want to put some comments on the record on this bill, and I want to indicate I hope the Minister of Health (Mr. Orchard) will listen to my comments.

After some of the regrettable statements the Minister of Health put on the record earlier today about the disposition of this bill, I think it would be only fitting if the Minister of Health would listen to comments made by members of the Legislature; in fact, if the Minister of Health would follow the debate, because I, quite frankly, found that the minister obviously is not aware of the degree to which this issue has been an ongoing issue in this House, going back over the last three years. In fact, this bill follows a bill that was passed unanimously three years ago by all members of this House, and, quite frankly, I think, showed a regrettable delay in dealing with a very serious problem.

I do not want to deal with the technicalities of the bill. I want to see this bill go into committee. I think there are some problems with the bill. I feel that the government has chosen the easy route in this case, criminalizing those who are substance abusers. I believe that treatment and prevention are far more effective, and dealing with the source of supply, as did the original bill three years ago, is far more effective. But I am prepared to see this go to committee and hear members of the public, social

agencies, the many people who are concerned about this problem, and have it dealt with there, Mr. Speaker.

I will be interested to see the comments, because I think many people share the comments made by the member for Point Douglas (Mr. Hickey) earlier when he pointed out the inconsistency of a government that now brings in a treatment program for problem gambling that is being contributed to by the actions of this government itself, and brings in a treatment program that is using revenues developed out of the gambling itself, when the same government has consistently refused to look at the very serious proposal by the MKO for a treatment facility in northern Manitoba for all northerners, for all Manitobans, regardless of whether they are treaty, aboriginal people with treaty-Status, or whether they are non-Status, or whether they are Metis or nonaboriginal.

That, I think, is a very realistic and very important statement that has been made by the MKO, and I commend them. They have been working on this for the last five or six years. They have not received a commitment from the federal government. They have not received a commitment from the provincial government.

I certainly feel the federal government should be involved, but when we are talking about human lives to the degree to which we are, I believe jurisdiction is not as important as action. I want to stress that because in the last two months there have been four deaths from solvent abuse in my own constituency: two adults in Thompson, from the community of Shamattawa; and two residents, two young people in the community of Nelson House.

\* (1520)

I cannot help, Mr. Speaker, but be struck by the real pain the communities are going through, particularly in terms of Shamattawa and Nelson House. I was in Nelson House for graduation just a few weeks ago, and there were 19 graduates of Roland Lauze School, 19 high school graduates, the largest number they have had. In fact, it is only just recently that with the new school they have been able to add high school. But, to give you an idea, last year there were five graduates when I attended the graduation; this year there were 19 graduates.



Mr. Speaker, you should have seen the pride, the hope in that school auditorium when people received their graduation certificates. You know, ironically, within a week a young person died from sniff, and within another two weeks another person died. A community with so much hope on the one hand and yet so much pain on the other.

Nelson House has had a difficult time over the years. There have been a significant number of problems going back to Hydro flooding, and, unfortunately, in many ways even the road access to Thompson that brings the good aspects of connection with the outside world, so to speak, also brings some of the more negative aspects. It is a community that still through its elders has a very strong spirit, but if there is any concern that people have in the community it is with the young people, young people who are separated from traditional ways in the history of the community which has seen trapping and hunting and fishing, separated partly because of flooding, partly because the impact that has had, but also because of the changing impacts from outside society.

Mr. Speaker, there can be no doubt that the economic circumstances also have to play a factor, and I want to say I am concerned that many of the graduates of the high school class this year are going to have difficulty finding employment within the community. There are not the jobs there were even a number of years ago. While the Nelson House Band because of the Flood Agreement is hoping to develop some economic development activities—and they are very aggressive on that front, have a number of projects ongoing—I am concerned about the employment in the community.

Mr. Speaker, I see it in many other communities as well with young people having increasingly difficult time in finding employment, would it be during the summer at their many smaller communities in northern Manitoba where there are no summer jobs, none, none whatsoever, and in larger communities such as Nelson House where there are far fewer jobs than there were before.

Mr. Speaker, if we are going to deal with the roots of substance abuse, we have to deal with the root social problems. If we are going to deal with the root social problems, we have to deal with the root economic problems. Young people turn to substance abuse in northern Manitoba because they do not have hope. They turn to substance

abuse because they have no options in their own mind. We have to give them that hope, and we have to give them those options. That is why I say to the government that when we are dealing with this we cannot separate it. We cannot separate it from economic and social issues in the North.

If members opposite wonder why I am so committed to dealing with such issues as the ACCESS education programs or New Careers or any of the northern training programs, it is because I have seen the difference. I will give you an example, at the Nelson House graduation this year, of the importance of role models. There was a guest speaker who is the actress that plays on North of 60, who actually is a resident of Norway House, who came in and spoke to the students, a role model to those students in the community of Nelson House.

There were people in attendance or graduates of many educational programs in the North, Mr. Speaker. In fact, ironically, there were many graduates in the community from my own high school, R.D. Parker Collegiate, because prior to the introduction just recently of a high school in the community offering until Grade 12, most of the students from Nelson House for a period of time went to Thompson, went to Cranberry Portage, went to Dauphin. There were different areas that people went to. There are many people whom I went to school with in the community.

Mr. Speaker, it is that role model that is important, and that has to be included. Education is very much a part of providing that, but education without job opportunities is a rather hollow way of dealing with the problem. I am seeing people graduating today who are being very much impacted by the kind of cuts we are seeing in terms of social services, social service agencies, government budgets. I am seeing people going through the social work program, who, while their classmates one or two or three years ago had automatic employment, are now finding difficulties because there just are not positions because there is not the funding, because the positions have been eliminated. That does not send a good signal to people in northern communities.

Mr. Speaker, as much as we can talk about social and economic causes and root causes, and as much as we can try to change those social and economic underlying roots, it is obvious there will continue to be a problem in northern Manitoba with

substance abuse over the next period of time. Substance abuse is more difficult to deal with than probably any other addiction. In fact, traditional addiction treatment programs do not work.

I know I had a call only a few months ago from a mother concerned about her adult child who was unable to get any treatment whatsoever. She said the traditional agencies do not deal with it, in terms of the AFM, et cetera, because it is a different type of treatment. It is more long term. It is more difficult to break because of the chemical dependencies. Also, substance abuse, Mr. Speaker, leads to far more long-term and medium-term psychological and physical damage.

There are 2,200 people suffering from substance abuse in northern Manitoba according to the estimates of the MKO—2,200 people. Mr. Speaker, substance abuse does not just destroy lives, it takes lives. There have been four deaths in the past period of time. I say to the government that, while indeed we should perhaps be looking at treatment of compulsive gambling, gambling in and of itself does not lead to people taking their lives, losing their lives in the same way—they may lose it in other ways, quality of life. But when you have four people in the space of two months, four people that have died because of substance abuse, is that not enough of a tragedy that we act?

Mr. Speaker, I was watching last night a news report from Davis Inlet, and I use this as a parallel, because when there was national attention of what was happening in Davis Inlet, when a number of children in that community, because of substance abuse, because they were high on sniff, attempted to kill themselves, finally the government acted and those kids were provided with a treatment program that the government had refused to do before.

Mr. Speaker, fortunately, no one in Davis Inlet died from substance abuse. Two people have died in Nelson House. Two people have died in Thompson in the last three months alone. It was not recorded on national television, but it is still as much of a tragedy. I mean, how much more tragedy does a community like Shamattawa have to face? I have indeed visited Shamattawa. How much more tragedy does a community like Nelson House have to face? That is what is happening to that community now as it grieves yet another death. How much more tragedy does a community such as Thompson have to face, where sniff in an urban community goes on on a continuous basis?

I have seen personally six- and seven- and eight-year-olds who are suffering from substance abuse, who were high on sniff. I can show people in my own community in Thompson where the substance abuse takes place, where it is taking place currently, and I can say that no one who sees the impact it has on people can fail to be moved but, you know, the deaths in Nelson House took place. They will be reported in the news media. The deaths in Thompson took place. It was reported in the newspaper, but there was not the national attention that it requires.

I say to you, Mr. Speaker, as I said to the Premier (Mr. Filmon) in the House only a few months ago, as I urged the Premier, let us not talk about jurisdiction here, let us talk about a significant problem.

I challenge anyone in this House to think of any other situation where you have four deaths in the space of three months where you would not have an outcry. Why is there not the outcry on this? Why is there not the commitment to dealing with it? Why is there not the recognition it is a major problem? Why is the government not following up on the suggestion I made to the Premier that he raise it to the national level, that he raise it the same way that we raised Davis Inlet, through the media? Why did not the Premier on Friday raise it? Will he raise it when he has the opportunity to meet with the new Prime Minister-designate? Will he not raise it then?

\* (1530)

I understand questions of jurisdiction. I understand that there is some very legitimate argument that there should be an involvement by the federal government, but it is not a treaty problem. It is not even strictly an aboriginal or a northern problem. There are children, there are adults that are suffering from substance abuse from all walks of life.

I say, Mr. Speaker, to this House, and I particularly say to the Minister of Health (Mr. Orchard), to the Minister of Justice (Mr. McCrae) and to the Premier (Mr. Filmon), four deaths in three months. How many more people have to die before we recognize the severity of the problem?

I am not blaming anyone for the problem. I am not pointing fingers at the government here or the federal government. I do not want to get into that question, but how many more deaths does it take?

How many more young people have to die from substance abuse before we do something to put in place the kind of treatment programs that are required? [interjection] Well, the Minister of Highways says, what does this bill do? I appreciate that question, as it is a legitimate question.

This bill criminalizes the acquisition of the materials for substance abuse. It does not put into place the treatment that is needed, and there are those who argue this is a good move. There are those who argue this is not a good move, but virtually everyone who is familiar with the problem of substance abuse has said this is not enough. We need treatment. We need prevention, and that is where I plead with members of this House to recognize the severity of the problem. Four people have died. Two people have died in Nelson House in the last two weeks. What more does it take for us to recognize that this is a serious problem?

I thought the comments made earlier by the member for Point Douglas (Mr. Hickes) were well intentioned, when he said that there was a similar problem in terms of the cooking wines, Mr. Speaker. If one remembers what happened then, that despite some of the debate that took place over what was being done and what was not being done initially, in the end, there was an attempt—and the minister with whom I often disagree on many issues I think did a commendable job in terms of this particular issue and working it through the system. Why can we not do the same with this problem? Four people have died.

Why can we not have a meeting called by the Premier (Mr. Filmon), the Minister of Health (Mr. Orchard), the Minister of Northern Affairs (Mr. Downey), whoever, I do not care under whose auspices. I would prefer it be under the Premier because of the fact it involves the federal government.

Mr. Speaker, why could it not be raised at the national level? Why could the government not look within its own House to see if there is some commitment that could be made toward such a treatment facility, recognizing that many people will be involved, many people who are not under "federal jurisdiction"? Would that not be a more productive way to deal with this?

I mean, that is the problem with this bill. Whether it is good or bad, it is not good enough, Mr.

Speaker. It does not deal with the root problem, and whether we criminalize this or not, there are still going to be 2,200 people who suffer from substance abuse in northern Manitoba. My suggestion is that we send this bill to committee, and we are prepared to send it to committee today, deal with it next week. My suggestion is listen to people and social agencies and groups that are concerned about this, members of the public.

But more important than going through a formalized process, Mr. Speaker, let us recognize the reality that many of the people we are talking about will not come to a legislative committee. People in northern Manitoba who are suffering from substance abuse, they will not be at that legislative committee, but they will still be out there. They will still be suffering from substance abuse. They will still be destroying their lives, destroying their health, and there will be more deaths. There may always be deaths. I am not for one moment suggesting that we can eliminate the entire problem of substance abuse even by having prevention and treatment.

I believe very strongly, Mr. Speaker, that four deaths is enough to send the message that this is a tragedy. This is a tragedy of the same magnitude as Davis Inlet; in fact, probably even greater, and I am convinced that that, in and of itself, is enough for us to understand in this House that we are not dealing with the problem, for the federal government to understand, and to put aside questions of blame for right now and work at partnership with the MKO, with many other people who are working on this. The bottom line is, four deaths are enough. Let us work together to eliminate as much of this problem as we can, and let us start by using some of the creativity that we used on the cooking wine industry.

Let us get into that committee, and let us recognize that there are ways in which we can work around this problem, Mr. Speaker, that, I think, if we can do one thing in this session, and we talk about a lot of major issues, if we can do one thing in this session that would be of real significance for people in the real world, in the province of Manitoba, particularly in northern Manitoba, it would be to take the problem of substance abuse and do something to get prevention and treatment in place. Anything, even one small step, and we will be saving lives. I am convinced of that.

So, when we vote on this bill, let us recognize this is not the end. There is a lot more that can be done, and please, I urge the people in this House to take the time. If you cannot come to Nelson House or to Shamattawa or to Thompson, just go around this city. In the city of Winnipeg, you will find the same problem. Check in your own neighbourhoods. Check with the young people in your own schools. You will find the problem exists in every neighbourhood and every school in this province. It is time we deal with it and deal with it in a constructive way, not pointing blame, but looking for solutions. Thank you.

**Ms. Marianne Cerlill (Radisson):** Mr. Speaker, I have been looking through a file of information here related to this bill, and there is newspaper article after newspaper article after newspaper article citing incidents where young people have died. One of the articles talks about 20 years of studies and 20 years of death due to solvent abuse and sniff.

It is inexcusable that we have not had any commitment and any kind of clear way of dealing with this problem over the years, but especially now, especially after there was an agreement prior to this session when the government was in a minority, on a bill that would have addressed the problem of selling sniff to minors.

I look through the material here and look at how games are being played with this issue. It is quite sad to see the way that we are playing politics and games—this government is playing politics and games with the lives of mostly young teenagers.

\* (1540)

It is reprehensible that the Minister of Justice (Mr. McCrae) would try and accuse us on this side of the House of not quickly passing this legislation, when it is clear from the evidence that is before me right now that this bill, as it is presented to us now, is not the best approach to deal with a situation where children are the victims.

To develop the kind of legislation that is before us now that further victimizes those young people by then making them criminals, and to make them the ones that are going to be arrested, and to not have provisions that are going to deal with the real crime, which is for so often adults to knowingly provide young people with solvents that they, I would think, often knowingly are going to abuse and sniff.

It is interesting. I have a pamphlet here put out by the Alcoholism Foundation. It is surprising when it talks about the tolerance that develops. It is often incomprehensible to think that there is actually a tolerance that is developed with the individuals that are sniffing, so that they do have to acquire and use more and more nail polish or gasoline or solvent, and to think of what that is doing to their bodies.

It is also interesting to note that there is more of a psychological dependency than a physical dependency, and that tells us something about this. That tells us I think that this, as so many other members have said, is a social problem that results from the hopelessness that so many young people are facing particularly in the North, particularly when we see the suicide rates in many of the remote communities in our country and our province and we start to look for some solutions to this. We must see that sniff and solvent abuse are just part of the problem, and it is amazing to me that the government would so easily dismiss calls for having some kind of treatment centre in the North.

This bill is not going to be a solution as it stands right now. The solution is going to be in putting in place not only treatment facilities but the kind of programs in education and in employment and in recreation that are going to deal with the social problems that young people face that have them in the situation where they turn to sniff.

We have many models for that. We know that there are many models that would be very easy, and at such a lesser cost, to provide those kinds of recreation education programs that would teach these young people positive coping skills, rather than having to pay the long-term costs that we are going to end up paying for the health care of these individuals, young people who involve themselves in solvent abuse.

So I would say it is much more cost effective to deal with these problems and to deal with these young people at the outset and when they are young. In the long run, there are going to be greater costs of dealing with problems, that will again depend upon the public purse down the road.

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

I had a chance this winter to attend a national conference that was directed—it was a youth conference where the young people there were

developing strategies for solvent abuse prevention. Again, there was a positive step, it was a nationally funded conference. There were a number of young people there from across the country.

I was somewhat disappointed that even though the conference was in Winnipeg, there did not seem to be very many young people there from Winnipeg. I am not quite sure why that was. When I looked at what the young people there were doing, they were basically developing youth programming. They were developing the programs that would be run by young people that would be the alternatives to sniff.

I was really impressed at that conference of the skill that the young people there had in facilitating and in leading discussions and doing program planning and organizing. These are the young people who are going to go back to their communities and try to implement some kinds of programs to prevent other young people from turning down the path of solvent abuse.

I would think that the kind of treatment centre we are calling for in the North should incorporate that kind of initiative, that it is not enough in the treatment of solvent abuse to just deal with the physical addiction and to think that once the young person is no longer abusing solvents that that is where the rehab should end. I think that we have to make a commitment to going farther than that and ensuring that the program would see that they are involved in some meaningful employment or education program or are working with other young people, especially in the area of recreation.

It is just not acceptable that when we call for these kinds of treatment programs that the Minister of Health (Mr. Orchard) can simply say, well, we will do something when the federal government does something. These are people that live in Manitoba, and I do not think there are other areas where the government gets away with this kind of an approach.

The change in the bill that we are dealing with right now and the move away from putting the criminalization onto the young person or the solvent abuser and taking it off the seller, to protect the seller in this way is not understandable. I do not understand how this government can think that they have any commitment to young people because this bill, again, is just another one of the betrayals of this government to young people.

We have seen so many other cuts that they have made to student programs, everything from Student Social Allowance to the Children's Dental Program, and this is just another one of the ways that they are betraying young people.

It is interesting when you compare the focus of this legislation, where they say to a solvent abuser, a young person that you are going to be criminalized, that you cannot rely on anyone else, on the one hand, with this legislation. Then when they made the cutbacks to the Student Social Allowances Program, they were in effect telling young people that you still are dependent, that you can go home and live with your parents even if in that family there is abuse.

So on the one hand, we have the government saying to victims and to young people who are solvent abusers, somewhat you are on your own, and on the other hand, where we have young people who are trying to be independent, trying to make a way for themselves, we are encouraging them to stop that behaviour and to go back and live with their parents. This does not make sense, turning our backs on the young people who need the support and need some extra kind of caring and, on the other hand, pulling the independence away from young people who are seeking it.

One of the things also about solvent abuse that becomes clear in dealing with it as a social problem is that it is clearly so often the result of negative peer pressure and how young people who undertake this sad activity are often influenced by peers and are trying to fit in, are trying to do something that is going to help them escape and is going to help them make them feel like they belong.

We have seen there are a number of programs that can take that and turn the influence of a peer group around. That is part of the direction I think we should be going with this bill. I think that when you look at what other members of the community have been saying about the legislation, the police do not want to crack down and be arresting young people who are victims and who are using sniff. I think it is clear, from what the police have been saying, the police want to deal with the individuals who are selling.

\* (1550)

The approach we should be taking with the young people is to provide them with treatment and not to be providing them simply with charges. I do

not know if there is any provision in the bill. I certainly hope there would be some provision that if there is a charge laid against a young person, then they would somehow come into contact with professionals who were going to give them some support. That would be, I think, the logical and truly proactive way and positive way of dealing with this program, or with this problem, that when there are some charges laid against young people, there is incumbency upon the enforcement officers to make sure that young person is going to be transferred into some kind of treatment program.

I also wanted to just mention that in Winnipeg, there is the problem with sniff as well. I had a chance to spend some time at the Street Kids and Youth Project before it was closed due to the ending of the funding. It was quite sad to spend time with some of those young people and to hear them talk about the daily situations that they found themselves in.

I would think that a number of the kids I was talking with there did have trouble with drugs or alcohol, possibly sniff, and oftentimes these young people were living with other adults who were also living on the street. These are the kinds of situations that young people are getting themselves in, and then they would choose to begin some kind of solvent abuse or abusing sniff to try and escape.

I think we have to look at our priorities seriously if we are going to spend money on some of the kinds of, what this government would call, economic development and not spend any government money on the young people that are living on the street or abusing alcohol and drugs and are at such a young age essentially giving up.

So, with that, Madam Deputy Speaker, I look forward to this bill going to committee, when we can hear from the community. I am sure that there will be a number of presenters there who work with solvent abusers, and I think that there will be a strong message for this government at that committee. Thank you very much.

**Madam Deputy Speaker:** Is the House ready for the question? The question before the House is second reading of Bill 29. Is it the pleasure of the House to adopt the motion?

**Some Honourable Members:** Agreed.

**Madam Deputy Speaker:** Agreed and so ordered.

## House Business

**Hon. Clayton Manness (Government House Leader):** On House Business, Madam Deputy Speaker. Given the desire by all parties to debate a number of bills, I wonder whether or not there is a willingness to waive private members' hour today.

**Madam Deputy Speaker:** Is there leave of the House to waive private members' hour?

**Mr. Storie:** Madam Deputy Speaker, I do not know whether we should deal with this matter right now. It may be possible to review most of the matters that are on the agenda today without waiving it at this point, but if it is required at perhaps closer to five o'clock, we would be willing to entertain it to finish the legislative agenda or the bill agenda.

**Madam Deputy Speaker:** That will be revisited at that time.

**Mr. Manness:** Madam Deputy Speaker, as I indicated earlier, I would give more definition to sitting hours tomorrow. After discussion with opposition House leaders, we will sit tomorrow at 10 a.m.; and then, once we move into Orders of the Day, we will consider bills to roughly 12:30 and then revert to Estimates review until 4 p.m. tomorrow.

Furthermore, I would like to announce, Madam Deputy Speaker—

**Madam Deputy Speaker:** Just one moment, please. Is there leave of the House to sit tomorrow commencing at 10 a.m., and the first part of the day after Orders of the Day to deal with bills and then followed by Estimates, with the House terminating at 4 p.m.? [agreed]

**Mr. Manness:** Madam Deputy Speaker, I would like to announce the Standing Committee on Economic Development will further consider Bill 22 at 7 p.m. in Room 255. [interjection] Yes, and I would then move Law Amendments, which had been scheduled for Room 255. now to go to 254.

Furthermore, I would like to announce—

**An Honourable Member:** That is tonight?

**Mr. Manness:** Yes. I would like to announce that the Standing Committee on Law Amendments will also sit on Monday, July 5, at 9 a.m. to begin to consider Bill 16. That was the education bill dealing with the 2 percent cap, I believe. Thank you.

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

**Madam Deputy Speaker:** To resume debate on second reading of 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), standing in the name of the honourable member for Burrows (Mr. Martindale).

Is there leave to permit the bill to remain standing? No? Is there leave to permit the bill to remain standing in the name of the honourable member for Burrows? Leave. Leave has been granted.

The Chair has been advised that the honourable member for River Heights will be the designated speaker on Bill 30.

**Mrs. Sharon Carstairs (River Heights):** Madam Deputy Speaker, I have been given the Leader's designation. I do not know, necessarily, whether I will use it, so I will begin my remarks. This is not any form of trying to prolong this. I have a number of things that I want to say on the bill, and I will take as long as I need. If that is less than the Leader's designation required, then that will be sufficient. The reason that I asked for the Leader's designation and was given it is because this is a very substantive piece of legislation and a very important piece of legislation, and I think that it, quite frankly, deserves the kind of thorough evaluation that I hope to see not only at this stage, but in the committee stage.

I have also asked the caucus that I be the only person to speak to this bill from our party, and indeed I will be, so that we can get it into the committee stage because, quite frankly, Madam Deputy Speaker, I do not think there is anyone in this room, with perhaps the possible exception of the minister—and even he may be willing to indicate that he does not have a deep knowledge and expertise of the kinds of things that are going to be taking place in this particular piece of legislation.

I think it is very important that we hear from those in the community, psychologists, those who work with those who have mental handicaps, representatives of the Association for Community Living, representatives of families, representatives of institutions who do, in fact, have the expertise

that I am not sure, quite frankly, is present in any of us gathered in this particular Assembly.

So I will put my concerns about this particular piece of legislation before this House today and then hope to get some of those addressed, either by staff with the minister in committee or indeed by those who make representations.

But I would like to do a little bit of background with respect to Bill 30, and certainly much of what is contained within the bill comes out of a report of the review committee examining legislation affecting adult Manitobans living with a mental disability as vulnerable persons, which was presented to the minister on November 29, 1991.

\* (1600)

Up to this point, those people suffering from a mental disability in the province of Manitoba had been working with a piece of legislation which was entitled Part II of The Mental Health Act. The Mental Health Act essentially dealt with those who had both mental illness or a psychiatric problem and those who were suffering, or not suffering, but who had been born or had by their 18th birthday been diagnosed as someone with a mental problem with respect to a disability, which is quite different from a mental illness. There are many in the community that resented the fact that these two groups of people were, in fact, covered within the same act. So there was certainly pressure and had been some pressure for some time that these two acts be separated and that they be given entirely different *raison d'être*s, so to speak.

In addition, The Mental Health Act, Part II, which dealt with definitions of the so-called mental retardates, a vocabulary which we no longer accept I think as appropriate vocabulary for such individuals suffering from a mental disability, were based on a British act which goes back to 1913. One of the people that I spoke with, he drew the comparison that having an act based on a piece of legislation in 1913 would be like having an act in the Department of Health dealing with leeches, because in 1913 the use of leeches as a form of health prevention and health treatment was acceptable. It was an appropriate procedure, but a great number of things have happened since 1913 in the medical profession, and the use of leeches today would be considered a form of quackery.

Well, to some degree, that is also true with regard to Part II of The Mental Health Act. It was

based on an outdated vocabulary, it was based on long overdue changes to the treatment of those living with a mental disability, and so the entire piece of legislation was, in the minds of many, even unconstitutional.

One of the bases upon which they considered it to be unconstitutional was on the basis of the Charter itself. The Charter very clearly says that one cannot discriminate against any individual living within Canadian society on the basis of a physical or mental disability, yet much of the process and procedure that was allowed in the act allowed such things to happen to those people suffering from a mental disability that seriously jeopardized their protection under the Charter of Rights and Freedoms.

That was one of the recommendations on which the review committee spent a considerable amount of time. They said that there was no question in their minds that the Charter of Rights and Freedoms was in jeopardy by this particular act and, therefore, a new act was needed that required the presentation of rights and recognized the rights of those suffering from mental disabilities.

I want to read Recommendation No. 5 from the Recognition and Enhancement of Rights of Vulnerable Persons which was the name of the study which the group that was put into place by the government stated. They said the following: That the following statement of principles be stated in its entirety in the body of all legislation which may be enacted in respect to vulnerable persons and that such legislation provide that its provisions are to be interpreted in accordance with these principles.

Principle No. 1: All adults have the right to self-determination as reflected in the Canadian Charter of Rights and Freedoms. Rights, freedoms and dignity shall be respected and protected under the laws of Manitoba. Every citizen of the province has the right to freedom of expression, freedom of association, the right to life, liberty and security of the person and the right to equal protection and equal benefit both before and under the law.

Principle No. 2: All adults are presumed to have the capacity to make all decisions affecting themselves unless clearly demonstrated otherwise.

Principle No. 3: All adults have the right to fundamental justice in all matters affecting their rights, including access to all information, the right to a mode of communication appropriate to the

adult, the right to be heard, the right to appear with advocates and counsel, the right to receive reasons for all decisions made and the right to an unbiased decision maker.

Principle No. 4: All adults should be enabled to make decisions. Where an adult requires personal support in making a decision, every reasonable effort shall be made to provide such support. The form of that support can be the advice, advocacy, support and affection of family and friends chosen by the adult. All adults shall be given the opportunity to express themselves in an individual way and to the fullest extent possible.

Principle No. 5: Every effort should be made to determine the adult's decisions and to enhance individual choice with the support of family and friends chosen by the adult.

Principle No. 6: Any intervention by the law in the decision-making process of an adult shall be the least restrictive and intrusive form of support, assistance or protection and shall relate directly to the needs of the adult at that time.

Principle No. 7: Where support is necessary in making decisions, interdependent or supported decision making through the advice, support and affection of family and friends chosen by the adult shall be recognized and validated.

Principle No. 8: In order to respect and preserve the legal rights of adults, any legislative or legal response that establishes a substitute decision-making process shall be invoked only as a last resort and must be based on evidence that the current practice is no longer empowering the adult. The determination by a hearing panel of a person's needs for a substitute decision-making process shall be personalized, comprehensive and involve those who are important to that adult's life.

Principle No. 9: A high priority of government shall be to provide adults in need with supports and services which allow for independence, realization of capabilities and self-determination. Supports and services provided by government shall be arranged in a manner which minimizes legal intervention and upholds an adult's rights to self-determination and participation.

Finally, Right No. 10: All adults have the right to privacy and the consideration of matters relating to their lives and lifestyles, except and only to the extent that disclosure to others is reasonably



necessary for the operation of the lawful procedures provided for in legislation.

This was the statement of principles which the committee, chosen by the government, presented to this government and signed the report unanimously. It is my understanding that although there were government representatives on the committee who did not sign the report—only the outside participants on the committee, meaning outside of the bureaucracy, signed it—it was indeed an unanimous report. Everyone agreed to the principles that were outlined in this particular recommendation.

It is therefore with some consternation that I do not find that statement of principles in the act itself. I understood that that was to be the framework by which all decisions and all authorities would be decided within Bill 30. Why the statement of principles is not framed within the legislation in this particular matter, I do not know. Perhaps at the committee stage the minister can provide us with that particular explanation as to why the recognition by the part of the government, the Charter of Rights needed to be protected, did not find themselves in the legislation in the manner in which it was outlined by his own committee.

The bill in fact deals with three major principles: the first is support services; the second is protection and/or intervention; and the third is decision making.

The area that is not dealt with in the act itself is the recognition that services are indeed a right. That would have been recognized if the statement of principles requested by the committee had been put in its entirety into the act. It is certainly one of the amendments that I would propose to make in the committee stage of this bill, which would be to list these 10 principles at the beginning of this piece of legislation so it was clear as to the intent of the government with respect to vulnerable persons in the province of Manitoba.

\* (1610)

One of the other issues that does not appear to be dealt with adequately is that there does not appear to be any genuine appeal process to decision making that is made by the department or by the commissioner. Bill 30 does say that there is a right of appeal. That is clear, but it says further that there is no right of appeal if the result of that appeal, in other words the decision of the appeal

committee, would result in either a change of policy for the government or an additional expenditure of money.

Well, the argument, I think, Madam Deputy Speaker, has to be made: Why have an appeal procedure? What else would you be appealing? If you were not appealing the fact that there were inadequate amounts of money available for this individual to live in the kind lifestyle that was deemed appropriate in that individual plan for that individual or that there would have to be a change of policy in order to meet the needs of that particular individual. Then I find it difficult to rationalize or to understand why else one would appeal.

So the appeal process appears, at least at first glance, to be a bit of a paper tiger. It is there, but it cannot be accessed because the department would be able to argue in almost every single case before the appeal panel that either this would require a change of policy and/or this is going to require additional money, and an appeal cannot be granted in either one of those two conditions.

So again I would want to hear from the minister as to exactly—whoops—

**An Honourable Member:** Sorry, Sharon, pardon me.

**Mrs. Carstairs:** —what would be the process of the appeal in this case—

**An Honourable Member:** Just offering a little help, Sharon.

**Mrs. Carstairs:** Well, actually she spilled on the book. I hope it was not a part about her.

So the appeal procedure, in my opinion, is weak, and I would look forward again to explanations from the minister as to why the appeal process was structured in this particular way, and if he and his staff believe that it is the paper tiger that it appears to me on reading that in fact it appears to be.

I am very careful, Madam Deputy Speaker, not to make any definitive statements about this because I have more questions than I have quite frankly any absolute answers at this particular point in time.

The other issue, I think, that causes me some concerns is with respect to decision making. We have had a strange concept in Canada and in other nations as well, as to what constitutes a retarded person, or a mentally disabled, or now the new phrase, a less able individual within our society.

And we have always kind of used a generic kind of—if their I.Q. was below 80 they were somehow mentally retarded. If they were above 80, they were not mentally retarded, which is a bit ludicrous because if somebody is 79 and one is 81, it is pretty hard to differentiate between those two individuals, but that was the terminology that was used.

What this act purports to do, and I think certainly makes an excellent first step, is to look at vulnerability and to define mental retardation not in absolute terms of whether the I.Q. is 79 or whether the I.Q. is 81, but says, all right, let us look at the vulnerability of a particular individual within society and let us decide, having looked at the vulnerability and identified the vulnerability, let us define what the need is for that particular individual.

That is why I am still concerned, as I was concerned when I had the meetings with the minister last year in the draft of this particular bill, that we should have in the province of Manitoba a generic vulnerability person's bill, not one that simply applies to those who by the age of 18 are considered to be mentally handicapped in some way but those who may be mentally handicapped either at age 18 or over age 18 for such things as brain damage.

When I saw the first draft of the bill and met with the staff of the minister, I was under the impression, and I think correctly, that those who had suffered brain damage as a result of major vehicle accidents or boating accidents or sports accidents of any kind would be considered to be brain damaged and therefore covered by this act. But in my reading of Bill 30, it seems that those individuals have now been removed, and in addition there have not been any others added.

For example, I think that it would be reasonable for those people who suffer from Alzheimer's to also be considered as persons under The Vulnerable Persons Act, those suffering from other forms of senility would come under The Vulnerable Persons Act. But that has not been done.

Now again I think that what the government is attempting to do here, or I hope it is what they are attempting to do here, is to see how it works with respect to this particular group of individuals, and if it works, or if it needs some moderate changes to make it work better, then at that particular point other individuals or other groups of individuals

might well be added to the piece of legislation as well.

I want to go on record as saying I think that is a positive thing, that if we keep ourselves with an open mind so that others can be added to the act at a future time, particularly if we discover that the act works, then this would be a positive way to go in the future.

My other difficulty with Bill 30 is that in the recommendations of the task force there was a great deal of effort put into the need for support groups, for the recognition of advocates. Many of course would be family members, but some would be friends, some would be associates of the particular individual, and there seems to be very little reference to support networks in the bill other than in passing.

There simply does not appear to be the kind of support or recognition of the support network and the influence and importance of the support network that was certainly part and parcel of the recommendations of the task force—advocates, for example. The word is not mentioned at all within the bill, not even once.

The commissioner responsible for The Vulnerable Persons Act literally has to allow advocates and support networks in. In other words, they have to get permission to participate in the process, whereas it was the recommendation of the task force to the minister that they be an integral part of the process from the very beginning. This appears to again pit the bureaucrats against the support workers and against the advocates instead of this being a partnership, which was the purpose, I thought, of the recommendations and what I had hoped to see in the particular bill.

In the past, in order for the department to deal with those who suffered from a mental handicap of some kind, they had to get an order of supervision. I think it is generally considered that an order of supervision or an order of committee was pretty Draconian. It certainly was not user friendly, and it was both expensive, because it required the participation of lawyers, and was insensitive.

It was thought that could be replaced with hearing panels of laypeople, and I am pleased to see that is in fact in the bill. There were to be two basic requirements: one, that this hearing panel were to be made up of a group of three people that were to be regionally based within the community,

so that there would be some recognition of what the community had to offer and the services that were available in the community, and that there would be an individual who was a lawyer who would be knowledgeable about the law. There would be a parent of a mentally handicapped person, although not obviously of the individual coming before them. There would be one other selected at large by the commissioner. That seems to be a very reasonable method of procedure and I am glad to see it is in the bill.

\* (1620)

Then that recommendation is taken to the commissioner, but the report had a different vision for the commissioner than again I seem to see in Bill 30. In Bill 30, the commissioner is to be 100 percent bureaucrat, is not to report to the Legislature, but that was not to be the situation with the report as presented to the minister. The commissioner, in terms of the report to the minister, was to be essentially half advocate and half bureaucrat. What we now have is an individual who will be 100 percent bureaucrat. We saw under the report that that individual was to report to the Legislature, although appointed by government. There is no reporting procedure now available and so the process whereby families in particular feel that they will be adequately protected and adequately involved seems to be in some jeopardy as a result of this particular piece of legislation.

One of the difficulties that appears to be in this particular bill, quite frankly, is that it simply does not go far enough. Bill 30 in its draft form appeared, although I must make reference here to the fact that I never saw the draft, all I had was a briefing from the minister's staff about what was included in that draft, but I understood from that briefing and my briefing notes from that meeting that this would be a much more leading-edge piece of legislation and I do not see that in this particular piece of legislation.

I hesitate to use the word because it is not in reference at this particular point in time to a political party, but the bill seems to be more conservative than I thought the original draft legislation was going to be. That is regrettable, because I think that Manitoba could have led the way in terms of a piece of legislation which protected the vulnerable in our society to a greater degree than in any other province in the country. Unfortunately, that does

not appear to be the case with this particular piece of legislation.

Another part of the bill which I think, however, is very positive is the initiative in the bill that requires for each person in the province of Manitoba to have an individual plan. That has been legislated in this particular piece of legislation, and the minister knows, as does his staff, and so do previous ministers of many years standing of a variety of political parties, that this was supposed to take place for each individual with a mental handicap, but there were hundreds of files in the province of Manitoba for which there was not an individual plan. The positive thing about this piece of legislation is that in fact it does provide for an individual plan. That has to be a step forward.

I see the overall weaknesses of the particular piece of legislation as being three. First and foremost, there is not the statement of principles that I thought were to be the guiding principle of every other aspect of the bill. That is why I took the time to read the statement of principles because, without that statement of principles, the bill tends to be a very conservative bill when in fact it could have been a far more ranging and far more proactive bill in dealing with those suffering from vulnerabilities. Secondly, the appeal process is not, certainly in my reading, provided for except in name only. It is simply a paper tiger.

Finally, mandatory reporting is not provided, and this perhaps gives me the greatest concern of all. I do not know whether it is simply an oversight—and again I want to question the minister about this—but in my reading of the bill, it appears that if a community social worker comes across a situation in which a vulnerable person, as defined by this act, has been either physically abused or mentally abused or sexually abused, there is no mandatory reporting to police authorities. This is something beyond my understanding.

I hope it is simply an oversight, because I cannot imagine that we could live in a society in which it is rightfully done that any abuse, when a teacher is notified, must be immediately reported, that abuse observed by any police authority must be immediately prosecuted, but an abuse which a community social worker or service worker comes up against with regard to a vulnerable person need not be reported, and I have to say that I am befuddled and, quite frankly, in a total lack of

understanding as to why this simply would not exist.

Those are my principal comments on this particular bill. As I said earlier, I look forward to this going to committee. I certainly do not have a full understanding of this particular piece of legislation, despite the fact that I have read it, despite the fact that I have met with people in the field. I am not an expert on vulnerable persons. I look forward to those who are expert coming to our committee and offering their advice. I will have some amendments that I want to present to the minister in committee, and I look forward to a lively debate in committee, lively in the sense of a positive debate in hopes that we can make what is a start in the right direction, an even better piece of legislation. Thank you, Madam Deputy Speaker.

### **Bill 32—The Social Allowances Amendment Act**

**Madam Deputy Speaker:** To resume debate on second reading of Bill 32 (The Social Allowances Amendment Act; Loi modifiant la Loi sur l'aide sociale), standing in the name of the honourable member for St. Boniface (Mr. Gaudry).

**An Honourable Member:** Stand.

**Madam Deputy Speaker:** Is there leave to permit the bill to remain standing? [interjection] There is no leave to permit the bill to remain standing. Leave has been denied.

**Mrs. Sharon Carstairs (River Heights):** Madam Deputy Speaker, I rise to speak on Bill 32, which is one of those little bills which is deceptively simple, looks, appears to in fact do very little of anything and yet is going to have a devastating impact, I think, on the future of many young people in the province of Manitoba.

This is a bill that simply says The Social Allowances Act is amended by this act. Clause 5(1)(h) is repealed. Subsection 5(2) was repealed. Clause 19.1(k) is repealed. This act comes into force on July 1, 1993. What could be simpler than that? If anybody outside this House picked up this bill, they would say, well, that does not mean very much, but, in fact, it means a great deal.

This little piece of legislation, a one-page bill, half a paragraph if you will, does. It ends student social allowances in the province of Manitoba. It takes 1,200 young people who hithertofore could go off social allowances in the usual sense of the word

and go on student social allowances. These are young people who could complete their high school education so that they could then, hopefully, go on to further education or enter the workforce.

This bill and these sections made it possible for single-parent mothers, for those who because they failed to see the value of their education when they were 15 or 16 and who found themselves at dead ends, unable to find employment, and invariably unable to find employment because they lacked education, could in fact go to the province and say, look, I know I am unemployable, I know I do not have the skills. I need to go back to work at school. I need to complete my education, because I have tried knocking on those doors. I have tried finding employment, and I cannot find it. I cannot find employment because I do not have skills of a sufficient level to find that employment. So they picked themselves up and they said, I have to change my way of life, and I have to go back to school.

The province just did not give them the money. The province stated very clearly that there had to be restrictions. Nobody could continue to take Student Social Allowance if they were not performing satisfactorily at school. In other words, they had to pass their courses. They could not just dither away at going to school. They had to have academic achievement.

They also had to be taking a sufficiently large course load to make it realistic for them to be given Student Social Allowance. So we had 1,200 people, many of them single-parent moms, all of them dropouts at some point in their career, going back to school, 1,200 young people who were, as a result of this particular program and initiative, going to be given an opportunity to climb up the ladder of success.

\* (1630)

The minister, in announcing the changes to this, as they have announced changes to a number of other programs, will give the argument, we simply did not have the money, we were running out of money, the province was in debt. Madam Deputy Speaker, that may have made sense if the people who were on this particular program would leave this program and become gainfully employed. The reality is, they went into this program because they could not become gainfully employed, and they were not able to be gainfully employed because

they lacked the educational skills. So we have taken them out of this program, and where have the majority of these people gone? They have gone simply into the social welfare system. So we have not saved a penny.

Indeed, I think it can be argued, and very strongly, that in the long run we are going to pay the cost over and over and over again, because while we may have needed to give these people a helping hand for two or three years while they gained their education, they were then going to become gainfully employed. They, in turn, were going to be taxpayers, and they were going to raise children whose value system meant that you stayed in school, you got your education, and you in turn became a taxpayer.

What happens now? Most of these people who had a dream of being able to get back into life in the mainstream have now watched that dream turn into a nightmare. They are going to be on social assistance. Many of them are single-parent moms. Their children are going to be raised in a home in which their parent is living on social assistance. We know statistically that if children live in a family environment in which the parent has lived on social assistance, then there is a tendency for them too to live on social assistance.

So what might have been a two- or three- or even four-year plan for this particular individual may now become a 20- or a 25-year plan for this same individual where they live on social assistance for decades instead of giving them the opportunity to get off the system.

If one does any analysis of the statistics of people who have been in this program, the results have been very positive. Those who have been in the program have frequently been able to get back into the workforce. Many have continued on to even higher levels of education which, if statistics are of any value, means that they earn even more money and they are able to pay this government even more in taxes. So I find it difficult to comprehend the mind-set of a government that made this particular decision, because it does not save money.

The government also used the argument when it introduced it that Manitoba was the only provincial government that had a program that was identical to this one. That is true, it is the only provincial government that has a program identical to this

one. However, it is not the only province that is helping people to stay in school and to provide them with monies for them to do that. They call it different things, they do not call it Student Social Allowances, but they do in fact make it possible for young people to remain in school.

So this very deceptively tiny little bill has, in my mind, thwarted and gone against most of the things which the Premier (Mr. Filmon) of this province and the Minister of Finance (Mr. Manness) have been saying in every Speech from the Throne since 1988. They have talked about the need to invest in the future, they have talked about the need to invest in young people, they have talked about the need to invest in skills training, they have talked about the need to enhance education and, yet, in one signing of a pen, they have eliminated all of those abilities from 1,200 people. Yet they seem unwilling or unable to change their mind.

Madam Deputy Speaker, this is indeed a very bad reflection of a policy initiative which was supposed to enhance opportunities for young people in the province of Manitoba. All of us are concerned about the number of young people who are leaving this province—all of us. We all have young people within our families who have chosen to make their lives elsewhere because they did not believe there was going to be a future for them in the province of Manitoba.

We want our young people to stay here, but we also know they cannot stay here if we do not have job opportunities. We will not have job opportunities if we do not have a skilled workforce, and we will not have a skilled workforce if we do not keep our young people in school, giving them their opportunity to achieve that skill level.

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

So we will vote against this bill. We will vote against it because it is wrong-headed, we will vote against it because it defies what they, the government, have been saying consistently for five years is a necessary direction for them to take. We will vote against it because it has turned the dreams of 1,200 young people this year and 1,200 young people for years to come, as long as this government is the government of this province, into what can only be described as a first-class nightmare.

Thank you, Mr. Acting Speaker.

**Mr. Jerry Storie (Flin Flon):** Mr. Acting Speaker, I move, seconded by the member for Thompson (Mr. Ashton), that debate be adjourned.

**Motion agreed to.**

### **Committee Change**

**Mr. Neil Gaudry (St. Boniface):** I move, seconded by the member for Inkster (Mr. Lamoureux), that the composition of the Standing Committee on Law Amendments be amended as follows: the member for Crescentwood (Ms. Gray) for the member for River Heights (Mrs. Carstairs).

**Motion agreed to.**

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**Hon. Clayton Manness (Government House Leader):** Mr. Acting Speaker, would you call Bills 20, 10 and 2, please.

### **Bill 20—The Social Allowances Regulation Validation Act**

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable Minister of Justice (Mr. McCrae), Bill 20 (The Social Allowances Regulation Validation Act; Loi validant un règlement d'application de la Loi sur l'aide sociale), standing in the name of the honourable member for Wellington (Ms. Barrett).

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Laurendeau):** Is there leave that this bill remain standing? [agreed]

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

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable Minister of Agriculture (Mr. Findlay), 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), standing in the name of the honourable member for Point Douglas (Mr. Hickey).

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Laurendeau):** Is there leave that this matter remain standing? [agreed]

### **Bill 2—The Endangered Species Amendment Act**

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable Minister of Natural Resources (Mr. Enns), Bill 2 (The Endangered Species Amendment Act; Loi modifiant la Loi sur les espèces en voie de disparition) standing in the name of the honourable member for Brandon East (Mr. Leonard Evans).

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Laurendeau):** Is there leave that this bill remain standing? [agreed]

\* \* \*

**Hon. Clayton Manness (Government House Leader):** Mr. Acting Speaker, would you call Bills 34, 37 and 45.

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

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable Minister of Education (Mrs. Vodrey), Bill 34 (The Public Schools Amendment (Francophone Schools Governance) Act; Loi modifiant la Loi sur les écoles publiques (gestion des écoles françaises)), standing in the name of the honourable member for Wolseley (Ms. Friesen).

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Laurendeau):** Is there leave that this matter remain standing? [agreed]

### **Bill 37—The Manitoba Public Insurance Corporation Amendment and Consequential Amendments Act**

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable Minister of Environment (Mr. Cummings), Bill 37 (The Manitoba Public Insurance Corporation Amendment and consequential Amendments Act; Loi modifiant la Loi sur la Société d'assurance publique du Manitoba et apportant des modifications corrélatives à d'autres lois), standing in the name of the honourable member for Transcona (Mr. Reid).

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Laurendeau):** Is there leave that this matter remain standing? [agreed]

\* (1640)

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

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable Minister of Culture, Heritage and Citizenship (Mrs. Mitchelson), 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), standing in the name of the honourable member for Concordia (Mr. Doer).

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Laurendeau):** Is there leave that this matter remain standing? [agreed]

**Mr. Jerry Storie (Filn Flon):** Mr. Acting Speaker, every session there are what we call sleepers in the legislative package. This is one of those sleepers. It is quite obvious that the government in introducing a spate of legislation in the dying weeks of the session, some would say, and what is obvious is one of those bills that the government has chosen to attempt to bury in amongst the legislation package of the government is Bill 45.

Bill 45, on the surface, appears to be an innocuous piece of legislation. Bill 45 is entitled The Coat of Arms, Emblems and the Manitoba Tartan Amendment Act. It is hardly the kind of grist that would stir the hearts of most legislators. In fact, I suspect that a good number of colleagues on both sides of the House when they looked at the title of the bill and glanced through it said, right, this is another piece of fluff from a tired government. [interjection] The Minister of Culture, Heritage and Citizenship (Mrs. Mitchelson) says wait until Manitobans hear about this. That is what I want to do in my few minutes was to make Manitobans aware of what this government is attempting to foist onto the unsuspecting public in Manitoba.

Mr. Acting Speaker, I have to commend this bill to the public of Manitoba to read, not only to read the bill which is essentially unintelligible because it is in neither of the official languages but is indeed in the heraldic language which is a language unto itself, quite obviously. What I would like Manitobans to do is to read the Minister of Culture, Heritage and Citizenship's remarks June 18, 1993, in this Legislature, dealing with this piece of legislation.

Mr. Acting Speaker, we can only believe one of two things with respect to this legislation. Either the Premier (Mr. Filmon) of this province and the

Minister of Culture have been duped in historic proportions by the Governor-General of this country or there is a much more sinister plot afoot in the actions of the government to introduce a new coat of arms to the Province of Manitoba. It is difficult to be serious about this piece of legislation, because when you look at what this bill intends to do and that is to replace the current coat of arms in the Province of Manitoba with—it is called an augmented coat of arms which is of such bizarre character that one could only wonder about the mind that designed this particular creation.

Mr. Acting Speaker, I am not going to make any disparaging comments about the artistic licence of someone who wants to design a new Manitoba coat of arms. I can accept that people can be as creative, who can be as imaginative, as juvenile as they might like. but I have to question the leadership qualities of a minister and a government who would introduce something that is this out of proportion, that misrepresents so much about what this province is about, which is so "Andy Warhol" that no one can take this seriously.

I want to just point out, Mr. Acting Speaker, when the minister introduced this legislation, she quite supportively held up this piece of legislation and said, I would like to show members this new augmented coat of arms.

I want to point out to members of the Legislature the most obvious characteristic of this new augmented coat of arms. It is a beaver with a crown on his back. It is a beaver with a crown on his back! I am not sure what that symbolizes. I have never seen a beaver with a crown on his back. I represent probably one-third of the province's trappers, and I have asked a lot of trappers. I have said, when was the last time you saw a beaver with a crown on his back? When did you last catch a beaver with a crown on its back?

Mr. Acting Speaker, that is not the worst. I think the most insensitive, particularly for the poor beaver, an industrious, hard-working animal that symbolized our economic roots, the most insulting aspect of this new augmented coat of arms is this beaver—and I will read it: ". . . a beaver sejeant upholding with its back a representation of the Royal Crown proper its dexter forepaw raised holding a prairie crocus. . . ."

Mr. Acting Speaker, this is such an abuse of artistic licence. No one is going to accept a beaver

with a crown on its back holding a crocus. A beaver, I can assure you, does not have an apposable thumb. Why a beaver would be carrying a crocus—of course, a crocus is not particularly a part of its natural habitat. It may have strayed off into the prairie somewhere. Certainly in northern Manitoba the beavers' natural habitat—this beaver may more reflect Tory times. It is down to eating crocuses. While Manitobans are eating porridge under this government, the crocus is being eaten by a Manitoba beaver.

Mr. Acting Speaker, this is too juvenile for us to take seriously as an augmented coat of arms.

**An Honourable Member:** All beavers are Tories because they are hard working, industrious . . . .

**Mr. Storie:** Mr. Acting Speaker, this particular beaver is neither hard working nor industrious. This beaver is obviously a king of some sort or a queen of some sort, because it is wearing a crown and carrying a crocus. That is hardly emblematic of a hard-working Manitoban, let alone a hard-working beaver.

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

**The Acting Speaker (Mr. Laurendeau):** Order, please. I am really having a hard time hearing the honourable member for Flin Flon. I am caught on every word, and I would appreciate it if everyone would listen.

**Mr. Storie:** If the beaver is wearing a crown, it should be carrying a silver spoon. It should not be carrying a crocus.

This does not represent anything particularly germane to Manitoba. This represents a list of symbols that are quite often associated with Manitoba that have been thrown together helter-skelter in attempt to make sure that they are all encompassed in this new augmented coat of arms. Mr. Acting Speaker, it is an abomination.

I would refer members to the previous page which reflects the coat of arms that we have had in this province since 1905, a representation of Manitoba which is plain and simple and solid, hard working and industrious, a symbol which Manitobans love. There is no need for an augmented coat of arms, certainly not one that is so bereft of any real meaningful symbolism.

There are so many sort of anachronistic kinds of representations in this coat of arms that one would have to go through them one at a time. Where

does the unicorn come in in the history of Manitoba? The only thing that the unicorn represents is something that is extinct, and mostly that is jobs in Manitoba.

What is more interesting when you read the minister's words is how we came to a position where this Legislature is being asked to consider the introduction of a new coat of arms for Manitoba. Where did it come from?

\* (1650)

Mr. Acting Speaker, I am not sure whether the Minister of Culture, Heritage and Citizenship (Mrs. Mitchelson) recognized that the chronology she put forward in her remarks are a little skewed somehow.

Mr. Acting Speaker, the history is thus, it appears, from the minister's remarks anyway, that in 1988, the federal government decided that we needed to spend more money designing these kinds of emblems and coats of arms. The federal government decided that we needed to spend more money on this. Of course, it could not find money for health care, it could not find money for education, post-secondary education, but it decided that we needed an augmented coat of arms.

So what happened then? It is apparent that someone went to a great deal of effort designing this new augmented coat of arms and then proposed that Manitoba adopt the coat of arms, because the minister again says that the minister was proud to attend with the honourable Governor-General. The Right Honourable Ray Hnatyshyn, on October 23, 1992, for the unveiling of this new augmented coat of arms.

Mr. Acting Speaker, then she goes on to say—obviously, the Premier (Mr. Filmon) was at this unveiling. Then she goes on to say, in May of this year—well, wait a minute. If we unveiled the actual augmented coat of arms last October, why would the Premier and the Minister of Culture and Heritage have said in May of this year, I am assuming May of 1993, our Premier, on behalf of the government and people of Manitoba advised his honour that we wanted this new augmented coat of arms to represent Manitoba, and we wanted it to help us celebrate the 125th anniversary of our country.

Mr. Acting Speaker, I can assure the Minister of Culture, Heritage and Citizenship and the Premier



that on no occasion did anyone say, yes, what we need in Manitoba to symbolize our progress is a beaver carrying a crocus. That did not happen, nor did it say, well, let us put this crazy beaver on top of a knight's hat along with a unicorn. This is wrong.

Although I think this may be the dirty licence plate debate of 1993—the Minister of Finance (Mr. Manness) may remember that debate—there is a serious side to this. Not only is there a legitimate question about the appropriateness of this coat of arms—I would hazard to guess that if members opposite would take the two coats of arms, the one that has been in place since 1905 that has come to symbolize what Manitoba is, a plain and simple and hard-working province, and show them what is being proposed, some artist's rendition of nirvana in Manitoba—I do not know what it is—I think Manitobans would reject it, categorically reject it.

Mr. Acting Speaker, what is more important is that they have a legitimate right to ask: What did this cost? When the federal government in 1988 created this new—I will get the right term for it—Canadian heraldic authority, what are Canadian taxpayers paying for this kind of loose interpretation of Manitoba history, this kindergarten art work that is now going to become our coat of arms?

The fact of the matter is that the Manitoba government is now going to undergo significant costs whenever this coat of arms begins to show up as the official insignia of the province of Manitoba. Mr. Acting Speaker, if you will simply look above you, you will see that the Manitoba coat of arms is prominently displayed above your chair.

Does that mean that we are now going to have to commission someone to redo the Speaker's chair to reflect the new coat of arms? Does it mean that all of the letterheads in the province of Manitoba and the Premier's (Mr. Filmon) office and other offices are going to have to be revamped to reflect this new coat of arms?

Mr. Acting Speaker, the fact of the matter is, whether the Minister of Culture and Heritage (Mrs. Mitchelson) wants to admit it, that this has and will cost the taxpayers of Manitoba, the Canadian taxpayers, money. That begs the question of whether this is a justifiable representation of Manitoba, a symbolic representation of Manitoba.

As I said at the beginning, there was no one clamouring for a change in the coat of arms. There was certainly no one clamouring for this particular

coat of arms. I suggest that the government, with all due respect to the Governor-General and to the Lieutenant-Governor, without any necessary insult to the artists who rendered this particular version, that we turn it back. I suggest we turn this back. It simply is not good enough for the province of Manitoba.

We have a coat of arms that everyone recognizes, that prominently displays the buffalo, which is you know the economic base of our province, which reflects the cultures that came before us, an important symbol in their life—not only a symbol, but an important element in their existence, in their economies. We simply do not need any kindergarten version of all of the elements put in a pile, and that is what has happened.

Mr. Acting Speaker, someone made a list of all the representations you could possibly put on a coat of arms and simply piled them in some sort of holus-bolus fashion so they would be included—a beaver standing on a gold helmet, carrying a crocus, with a horse and a unicorn with other symbols of Manitoba around their neck.

I do not pretend to rise to speak on behalf of all of my colleagues. I can tell members opposite that this weighty issue has not taken up, at this point, any caucus time, but I think Manitobans have a right to ask two questions: Do we need this, and can we afford this?

I think quite obviously the government has wasted considerable time in preparing this and proposing this, and the government should get on with the business that is really important to Manitoba—the 55,000 that are unemployed, the 74,000 that are on welfare. I do not think this new, improved, augmented coat of arms represents anything that we need to have changed in terms of our own coat of arms.

Mr. Acting Speaker, as I said, our caucus has not formally considered this, but I can tell members opposite that I will not be supporting this new coat of arms. I will not be supporting it. I have spoken to a number of members on either side of the House, and I know there is a genuine concern that we may be turning our back on a symbol that has served Manitoba well since 1905.

We may be introducing to our province something that will be mocked by future generations, by other Canadians, who look at the

symbol and look at the way it is constructed and raise serious concerns about whether in fact it should be taken seriously.

So I do not know what others have to say on this. I looked at it and considered it, and I want to say that I do not think it is a particularly useful, a particularly positive amendment to our present coat of arms. I do not think it is worth whatever cost that the Manitoba government is going to incur on behalf of the taxpayers of Manitoba to engender this change. I would suggest the government now stand up and agree to withdraw this legislation.

Perhaps if the government wishes at some future time after the education system is properly funded and the health care system is properly funded, after we reinstate the home care system, the homemaking to seniors in the province of Manitoba, after we reinstate the student bursary program, Mr. Speaker, perhaps then we can worry about the augmented coat of arms which in my estimation mocks us more than it symbolizes us, and I think that is unfortunate.

So, Mr. Acting Speaker, I will be opposing this piece of legislation on moral grounds, on economic grounds, and I am anxious to see whether the government in fact can stand up and support this piece of legislation beyond what the Minister of Culture, Heritage and Citizenship (Ms. Mitchelson) has already done, which is simply parrot some words that were put before her by members in her department, most likely.

**The Acting Speaker (Mr. Laurendeau):** As previously agreed, this matter will remain standing in the name of the honourable member for Concordia (Mr. Doer).

**Hon. Clayton Manness (Government House Leader):** Mr. Acting Speaker, is there a willingness to waive private members' hour and stay on bills?

**The Acting Speaker (Mr. Laurendeau):** Is there leave to waive private members' hour?

**Some Honourable Members:** No.

**The Acting Speaker (Mr. Laurendeau):** No.

The hour being 5 p.m., time for private members' hour.

\* (1700)

## PRIVATE MEMBERS' BUSINESS

### DEBATE ON SECOND READINGS—PUBLIC BILLS

#### Bill 200—The Child and Family Services Amendment Act

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable member for Wellington (Ms. Barrett), Bill 200 (The Child and Family Services Amendment Act; Loi modifiant la Loi sur les services à l'enfant et à la famille), standing in the name of the honourable member for Interlake (Mr. Clif Evans). Shall this matter remain standing?

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Laurendeau):** Stand. Also standing in the name of the honourable Minister of Family Services. Stand? Stand.

#### Bill 202—The Residential Tenancies Amendment Act

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable member for Burrows (Mr. Martindale), (Bill 202, The Residential Tenancies Amendment Act; Loi modifiant la Loi sur la location à usage d'habitation), standing in the name of the honourable member for Portage la Prairie. Stand?

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Laurendeau):** Agreed.

#### Bill 203—The Health Care Records Act

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable member for St. Johns (Ms. Wasylycia-Leis), (Bill 203, The Health Care Records Act; Loi sur les dossiers médicaux), standing in the name of the honourable member for Emerson. Stand?

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Laurendeau):** Is there leave this matter remain standing? [agreed]

#### Bill 205—The Ombudsman Amendment Act

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable member for Kildonan (Mr. Chomiak), (Bill 205, The Ombudsman Amendment Act; Loi modifiant la Loi sur l'ombudsman), standing in the name of the

honourable member for Niakwa (Mr. Reimer).  
Stand? [agreed]

### **Bill 208—The Workers Compensation Amendment Act**

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable member for Transcona (Mr. Reid), (Bill 208, The Workers Compensation Amendment Act; Loi modifiant la Loi sur les accidents du travail), standing in the name of the honourable member for Niakwa (Mr. Reimer). Stand? [agreed]

### **Bill 209—The Public Health Amendment Act**

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable member for St. Johns (Ms. Wasylcia-Leis), (Bill 209, The Public Health Amendment Act; Loi modifiant la Loi sur la santé publique), standing in the name of the honourable member for St. Norbert (Mr. Laurendeau). Stand? [agreed]

### **Bill 212—The Dauphin Memorial Community Centre Board Repeal Act**

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable member for Dauphin (Mr. Plohman), (Bill 212, The Dauphin Memorial Community Centre Board Repeal Act; Loi abrogeant la Loi sur le Conseil du Centre commémoratif de Dauphin), standing in the name of the honourable member for Gimli (Mr. Helwer). Stand?

**An Honourable Member:** Stand.

**The Acting Speaker (Mr. Laurendeau):** Is there leave this matter remain standing? [agreed]

## **SECOND READINGS—PUBLIC BILLS**

**The Acting Speaker (Mr. Laurendeau):** Bill 214 (The Beverage Container Act; Loi sur les contenants de boisson). No?

### **Bill 216—An Act to amend An Act to Protect the Health of Non-Smokers**

**Mr. Paul Edwards (Leader of the Second Opposition):** Mr. Acting Speaker, I move, seconded by the member for Inkster (Mr. Lamoureux), that Bill 216, An Act to amend An Act to Protect the Health of Non-Smokers; Loi modifiant la Loi sur la protection de la santé des

non-fumeurs, be now read a second time and be referred to a committee of this House.

#### **Motion presented.**

**Mr. Edwards:** Mr. Acting Speaker, it gives me great pleasure to rise today to speak at second reading to this bill which is a relatively short and simple bill but does address a very serious issue. I would like to bring to honourable members' attention that this bill is recommended to all honourable members by the Canadian Cancer Society, Manitoba branch.

This bill essentially makes a change to the standard of proof required in order to successfully prosecute one who sells tobacco products to minors, that is, persons under the age of 18 years. This bill was originally brought forward—that is, The Act to Protect the Health of Non-Smokers, Chapter S125, Manitoba consolidated statutes—and passed in this House in early 1990 brought forward by a member of the New Democratic Party. At that time, we all joined in this House in supporting that legislation and putting it into place because we wanted to give protection to those who did not smoke themselves in public places, and we also wanted to get serious in our dealing with those who regularly sold tobacco products to minors.

It is, of course, a very important social goal that we do everything we can to stop minors from engaging in smoking, because we know that they become adults who smoke and that the fastest growing group of people in terms of starting smoking are youth, and in particular, female youth. That is the target group of the cigarette companies. We know this.

We know that these people go on to smoke for many years, although increasingly we are seeing people quit smoking, which of course is laudable. We are seeing still large numbers of young people, in particular young women, take up this habit which of course is very, very unfortunate, as it poses a serious health risk to them and indeed to those around them.

Mr. Acting Speaker, very briefly, Section 7 of the bill, The Act to Protect the Health of Non-Smokers, restricts cigarette sales to minors, in fact, it is broader than cigarettes. It is cigarettes, cigars or tobacco or any cigarette or tobacco products, restricts those where the retailer knowingly sells or gives those products to the minor.

The key there is knowingly, because the fact is that is an unduly onerous burden of proof on the Crown to actually bring a charge and successfully prosecute the vendor. We have seen this in this House on other legislation, most currently in the solvent abuse area where we have seen the same standard not work.

That is, it is too difficult to have the Crown prosecute and prove that a person did not know that the person was under the age of 18 years. We are not there, of course, at the time that the products are actually given or sold, and the truth is that standard of proof results in, you know, a very difficult prosecution, and the result of that is that the charges simply are not laid because it is only in the most blatant cases that a conviction is going to be achieved.

So the practice in these regulatory quasi-criminal statutes has been around the country, and Manitoba is no exception, to lower the burden of proof on the Crown and in effect to shift the onus to the accused to show that there was due diligence exerted to find out whether or not this person was in fact a minor. It is called a strict liability offence, and it is well known in legal circles. While it is not strictly in keeping with the presumption of innocence and the fact that the Crown has to prove anything, in these regulatory offences the strict liability wording is often used.

Now, Mr. Acting Speaker, it is also important to realize that the actual sale itself to the minor does not in and of itself result in a finding of guilt and a conviction. There is still a defence, and the defence has been set out in strict liability offences by the Supreme Court of Canada, and that defence is the defence of due diligence. It is a defence set out in the case of *R. versus Sault Ste. Marie*, a well-known case in the legal community. What that says is even though it says just by virtue of the act of sale or giving the product, that in and of itself will not result in a conviction.

It shifts the onus to the accused. The accused must then respond and show due diligence in attempting to determine whether or not the person was under the age of 18 years. Is that an unfair burden in this type of offence? I think not. What it says is that silence on the part of the accused will not be enough when it has been shown that cigarette, tobacco products, have been sold or given to a minor. The accused then has to answer and say something that would show that due

diligence was used to determine the age of that person.

So that is an important concept. It does not take away the rights of the accused. What it does is it sets a higher standard for the accused and a lower standard for the Crown. In this type of offence the reality is that there will not be charges. There will not be convictions unless we require something of the accused to show that there was some investigation, some question even—are you 18, show me some identification, something like that to put the burden on the vendor. That is where it should be, Mr. Acting Speaker.

The reality is that we have talked about the solvent abuse legislation, The Liquor Control Act, many other acts in these regulatory areas. This is the test. The Crown does not have to show as part of its case that the person actually knew that they were under the age of 18. They have to prove the sale and then the burden shifts. So it is not unduly onerous to the accused, and it is important to control the large-scale sale of cigarette products to minors. I venture to say that the little grocery stores that open up right next to the junior high school, or even the elementary school or the high school, they know full well who they are selling cigarettes to. They are selling cigarettes and tobacco products to underage people. They know that.

Those are the people that we want to bring before the courts and have them explain and answer what investigation they undertook to determine whether or not this person was under the age of 18. That is not an unfair test to put those people through, Mr. Acting Speaker.

I believe that this will be in the interests of the general health of the community, in particular to those people who are under the age of 18 and are being exposed to very slick advertising to sell tobacco products and get them started in smoking at a very young age. That is the new market and that is the way that advertising is being directed by the tobacco companies, so I do not think this is an unduly onerous test.

\* (1710)

I think it will result in some prosecutions. There will still be defences available. I believe it will result in prosecutions which will result in convictions and send a message. I do not think it is going to take many convictions to send a message. Those in the

business of selling cigarette products to minors will learn very quickly, with a few successful prosecutions, that this is not tolerable, that they will not be allowed to sell to underage people without some investigation of the age of those people and that making their business selling to underage smokers will not result in being allowed to do that with impunity.

So again, Mr. Acting Speaker, I recommend this bill to members. I do not want to take up too much time, because I want to leave members the opportunity to comment on it. I believe this should be passed to the committee governing private members' bills. I believe it is a nonpartisan bill. It has been recommended by the Canadian Cancer

Society. I believe it will have a very beneficial impact on the community at large.

With those comments, I again recommend this bill for speedy passage to all members of this House.

**Mr. Edward Helwer (Gimli):** I move, seconded by the member for Sturgeon Creek (Mr. McAlpine), that debate be adjourned.

**Motion agreed to.**

**The Acting Speaker (Mr. Laurendeau):** Six o'clock? Is it the will of the House to call it six o'clock? [agreed]

The hour now being six o'clock, the House now stands adjourned until 10 a.m. tomorrow (Wednesday).

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Tuesday, June 29, 1993

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