



Third Session - Thirty-Sixth Legislature

of the

**Legislative Assembly of Manitoba**

**DEBATES  
and  
PROCEEDINGS**

**Official Report  
(Hansard)**

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Speaker*



**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Sixth Legislature**

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**LEGISLATIVE ASSEMBLY OF MANITOBA**

**Thursday, May 22, 1997**

**The House met at 10 a. m.**

***PRAYERS***

**ORDERS OF THE DAY**

**House Business**

**Hon. James McCrae (Government House Leader):** Madam Speaker, would you be so kind as to call the bills listed on page 5, beginning with Bill 33 and then 34, 35, and 36, and perhaps after those introductions have been completed, the Leader of the Opposition (Mr. Doer) can give us some indication as to what bills his colleagues may wish to debate today.

**SECOND READINGS**

**Bill 33—The Executions Amendment and Consequential Amendments Act**

**Hon. Vic Toews (Minister of Justice and Attorney General):** Madam Speaker, I move, seconded by the Minister of Natural Resources (Mr. Cummings), that Bill 33, The Executions Amendment and Consequential Amendments Act (Loi modifiant la Loi sur l'exécution des jugements et modifications corrélatives), be now read a second time and be referred to a committee of this House.

**Motion presented.**

**Mr. Toews:** Madam Speaker, The Executions Act empowers sheriffs or other designated agents to act on court orders that require the seizure and sale of property to satisfy an outstanding judgment. Historically in Manitoba, these functions have been carried out by court officials, usually the sheriffs. The seizure and sale process is costly and results in the province assuming liabilities which may be inappropriate. Under a seizure and sale, for example, the province may find itself liable for the costs for the safe storage of goods ranging from vehicles to tanks of fuel while a sale is arranged or a settlement of the civil suit is negotiated.

In addition to the risk factor, the actual cost to the province in salaries and operating expenses to execute writs of seizure makes the service of questionable value to the public in general, given that the conflict is between two parties in a civil case. For those clients specifically served by the writ process, there is a further issue because of limited sheriff resources which must wait their turn to be executed. As a result, judgments are not always settled in the most effective manner, leaving those trying to use the service with little control over the process and little satisfaction.

The amendment to The Executions Act will allow for other agencies to be able to execute writs of service. Agencies will be required to enter into contracts to provide the service and will be required to comply with the requirements of The Executions Act, the applicable sections of The Queen's Bench Act and The Consumer Protection Act. Through regulations, the province will have the authority to have the agencies monitored by sheriff's officers. In the event that the agencies operate outside of the regulations or contract limits, the province will be able to cancel their contract. This proposed legislation is expected to be beneficial to the clients who are looking for improved service and to the province who will realize dollar savings and eliminate potential risks as a result of being an intermediary in the seizure and sale of property.

**Mr. Daryl Reid (Transcona):** Madam Speaker, I move, seconded by the member for Kildonan (Mr. Chomiak), that debate be adjourned.

**Motion agreed to.**

**House Business**

**Hon. James McCrae (Government House Leader):** Madam Speaker, on a matter of House Business, after the bills I have outlined, would you call the second reading debate on Bills 4, 7 and 22, and, should there be time remaining, then we could proceed in the order listed on the Order Paper.

**Bill 34—The City of Winnipeg Amendment and Municipal Amendment Act**

**Hon. Jack Reimer (Minister of Urban Affairs):** I move, seconded by the Minister of Education and Training (Mrs. McIntosh), that Bill 34, The City of Winnipeg Amendment and Municipal Amendment Act (Loi modifiant la Loi sur la Ville de Winnipeg et la Loi sur les municipalités), be now read a second time and referred to a committee of this House.

**Motion presented.**

**Mr. Reimer:** Madam Speaker, I am pleased to introduce second reading of Bill 34, The City of Winnipeg Amendment and Municipal Amendment Act.

The bill contains the following: Changes to the eligibility criteria for the statutory position of the city auditor; new provisions which will permit City Council to issue tax credits for residential premises which are unserved by the city sewer and water system; new provisions which will permit the city to issue grants in support of the purchase of newly constructed dwellings; repeal of transitional legislation on business assessment and taxation; changes to streamline the process of having an area designated as a business improvement zone; new provisions to enable the city to use a variety of financial instruments to manage its debenture debt; transfer of certain legislation to the repealed Municipal Act to The City of Winnipeg Act; new provisions to enable fire prevention officers to enter and inspect premises for compliance with fire codes and for the city to issue orders for remedial action where necessary; changes to the eligibility criteria of the city's electrical inspectors; and changes to clarify the notice of decision on side yard variance applications applies to all types of yards or separation space.

I would like to just provide you some of the details of each of these amendments. The eligibility criteria for the city auditor: Winnipeg City Council has requested an amendment which would enable any civic employee who meets the necessary professional qualifications to be considered for the position of city auditor. The existing legislation has limited the eligibility to employees of the Audit Department. The intent of the amendment is to give City Council greater flexibility in decision making related to the selection of a city

auditor. This approach is quite consistent with The Provincial Auditor's Act of Manitoba, which places no limitation on the appointment of a provincial employee to the position of Provincial Auditor.

Tax credited for unserved residential premises: As a result of discussions and consultations I had with various stakeholders, I am very pleased that on November 20, 1996, Winnipeg City Council approved a proposal that would provide annual financial relief to owner-occupied dwellings that are not connected to the municipal sewer and water system. The relief in the form of a tax credit serves to recognize and compensate for the limited services and distance to services available to some communities. City Council's proposal would benefit communities throughout the city that lack municipal sewer and water services.

The City of Winnipeg has taken a meaningful step to acknowledge that certain parts of the city do not have access to some urban services that are typical of other residential areas of the city. The amendments to this bill will enable City Council to implement its proposed tax credit system.

Municipal assistance program for new home buyers in Winnipeg: In response to a request from Winnipeg City Council, the bill contains an amendment which will enable the city to implement a municipal assistance program for new home buyers in Winnipeg. The intent of the program is to increase consumer confidence in Winnipeg's housing market, create employment in the construction sector and increase the assessment base of the city and school divisions.

The legislation will enable the city to adopt a by-law prescribing the amount of financial assistance to be offered for new buildings, the criteria which must be met in order to be eligible for the program and the terms and conditions of the program. To ensure that the effects of the program are monitored and assessed, the legislation requires the program to be reviewed by its fifth year of operation before a decision is made on the merits and the benefits of continuing the by-law. I understand from City Council that the proposed program of municipal assistance for new dwellings will provide additional incentives for infill dwellings in existing neighbourhoods.

\* (1010)

I commend council on this direction which is designed to ensure a positive balance between the development of dwellings in older neighbourhoods and newer subdivisions in Winnipeg. The city intends to implement the program immediately as a pilot project. To that end, there are new dwellings currently available for take-up, and there are approved subdivisions where new dwellings can be built. I have been advised by the city that there is currently the following availability: approximately 190 new vacant dwellings ready for occupancy; approximately 1,700 subdivided service lots. Let me emphasize here that the purpose of this program is to encourage take-up of subdivided land, existing new unoccupied dwellings and infill opportunities.

Transitional provisions on business assessment and taxation: In 1993, the City of Winnipeg shifted to a single rate of business tax, and therefore the legislation which was put in place on a temporary basis until council adopted a single rate of tax can now be repealed. This amendment is strictly of a housekeeping nature.

Business Improvement Zones: Currently, the City of Winnipeg requires that a BIZ proposal and budget be submitted to council and that council then refer these to the community committee for a public hearing. To streamline the process, City Council has requested an amendment to have the BIZ proposal and budgets proceed directly to the community committee for a hearing. Another change which is being made to streamline the processes is that a BIZ proposal and budget will only go to Council for approval if fewer than one-third of the businesses have objected. The amendment to the BIZ legislation also includes some minor wording clarification that are of a housekeeping nature.

Municipal debt management: During the last session of the Legislature, the province enacted legislation under The Financial Administration Act regarding the use of a variety of financial instruments by which the province could manage its debt. Winnipeg City Council has requested similar legislation which would permit the city to enter into financial agreements for the

management of its debt and the issuing of variable interest rate debentures.

Just to give the members an idea of the type of financial agreements that the city would like to be able to enter into as a result of the amendments to the bill, some examples are: Agreements to convert fixed rates on debt to floating interest rates; borrowing costs could be reduced by converting fixed rate debt to a floating rate. Agreements to convert funds borrowed in a foreign currency to Canadian dollars; this would allow the city to borrow in the international markets if rates were favourable, yet eliminate the currency exposure. Agreements to lock in foreign exchange rates for debt to be repaid in the future; this would eliminate any uncertainty as to the future foreign exchange rate fluctuations. Agreements to limit exposure to fluctuations and interest rates when using floating rate financing; this would allow the city to convert floating interest rates to fixed rates if this option is deemed to be financially better for the city.

The City of Winnipeg Act is outdated in terms of financial instruments that can be utilized to manage the city's debt financing. The amendments to this bill will provide the city with the necessary flexibility to maximize its abilities to manage debt. Enhanced flexibilities should be coupled with mechanisms that ensure effective decision making is maintained and that proper accountability of City Council is in place. For this reason, the amendments require council to put in place a policy which sets up the procedures and guidelines to be followed by the administration in making decisions with respect to debenture financing and then to also put in place a system for reporting to council on the management of debenture financing.

Various amendments necessitated by the repeal of The Municipal Act: Certain provisions which apply to Winnipeg in the former Municipal Act do not apply to the city under the newly enacted Municipal Act that came into force on January 1, 1997.

To address the legislative gap created by this situation, a transitional provision was incorporated into the Municipal Act to keep alive the legislation in the former Municipal Act until the necessary provisions are transferred into The City of Winnipeg Act. This bill contains a number of amendments that transfer

legislation from the repealed Municipal Act into The City of Winnipeg Act.

**Fire prevention services:** Two amendments pertaining to fire prevention which are requested by Winnipeg City Council are contained in this bill. They are, enabling fire prevention officers with an owner's consent or a warrant to enter and inspect any premises to ensure compliance with fire prevention by-laws. If the city has reason to believe that any of the by-laws respecting fire prevention have been violated, the existing legislation does not grant fire prevention officers the right to enter and inspect premises as it does other city employees such as building inspectors, health officers or licence inspectors.

The amendment in this bill remedies this situation, also enabling the city to serve notice on property owners whose premises do not comply with fire safety codes requiring them to correct the situation, failing which the city will take remedial action and bill the property owner. The approach is consistent with the authority the city has in other situations. For example, in dealing with unsanitary buildings, the city can issue an order to the owner directing the owner to take the necessary remedial action, failing which the city can undertake the work and charge the property owner for the work.

**Eligibility criteria for electrical inspectors:** Another amendment requested by Winnipeg City Council relates to the existing legislation requiring that electrical inspectors must hold a journeyman's licence. This bill will modify this requirement. For the purpose of conducting electrical inspections in one- and two-person family dwellings, road dwellings and related structures or equipment, the city's inspectors will not be required to hold a journeyman's licence. Instead inspectors can hold a journeyman's certificate in another related trade or have other suitable qualifications which the city deems to be acceptable.

I should point out here that for commercial buildings and apartment buildings, the city will continue to be required to use a journeyman electrician to conduct inspections. The proposed amendment will enable the city to implement a reorganization of its Inspections Branch. The reorganized branch would provide all electrical, plumbing, mechanical and building

inspectors of single-family row housing and all related structures and equipment, example, garages, air conditioning, utilizing a full cross-trained inspector to provide this service rather than three specialized inspectors. The branch would consist of staff who qualify as either journeyman electricians, journeyman plumbers or journeyman mechanical and building inspectors.

I understand that the city will have an in-house training program which will enable staff to inspect all aspects of housing construction. The benefits of this approach to inspections is going to be better and more timely service to the public. By utilizing cross-trained staff, the city will increase the chances of catching problems because generalists will be inspecting for all elements of structural conformance to building codes.

Notice of these decisions on minor variance for yards. Finally, the bill contains a minor clarification with the notice requirements on decisions made with respect to side yard variances applied to all types of yards and space separations, not just yards.

The bill contains amendments on a variety of subjects. Collectively, what these amendments have in common is that they all contribute to my department's ongoing efforts at continually improving and modernizing The City of Winnipeg Act. The amendments in this act respond to Winnipeg City Council's requests on a timely basis to enhance their ability to implement new directions and approaches to servicing citizens of Winnipeg.

In conclusion, I would recommend the bill to the members of the Legislature for their consideration and adoption. Thank you very much, Madam Speaker.

**Mr. Daryl Reid (Transcona):** I move, seconded by the member for Brandon East (Mr. Leonard Evans), that debate be adjourned.

**Motion agreed to.**

### **Bill 35—The Condominium Amendment and Consequential Amendments Act**

**Hon. Mike Radcliffe (Minister of Consumer and Corporate Affairs):** Madam Speaker, I move,

seconded by the Minister of Urban Affairs and Housing (Mr. Reimer), that Bill 35, The Condominium Amendment and Consequential Amendments Act; Loi modifiant la Loi sur les condominiums et modifications corrélatives, be now read a second time and be referred to a committee of this House.

**Motion presented.**

\* (1020)

**Mr. Radcliffe:** Madam Speaker, I would like to take this occasion to put a brief outline on the record of the proposed amendments to The Condominium Act. These amendments aim to enhance the disclosure to condominium purchasers so that consumers in the public have a better idea of what they are entering into when they purchase a condominium. As everybody, the honourable colleagues across know a condominium is really a theoretical ownership of space. In fact, it is not a fee simple which, of course, the honourable colleagues across the way know, where something can be measured out in metes and bounds and is tangible, a condominium is much more an incorporeal concept of land holding or space holding. We propose to make the governing and administration of condominiums more effective.

Just to summarize, Madam Speaker, these points include: We want to give greater consumer disclosure on the sale of condominiums. We want to require the tenants, who may be inhabiting a condominium as a tenant to the owner of the condominium, comply with the same regulatory regime, the same by-laws and rules that the unit owners must comply with. At present, the state of the law today is that there is no obligation upon a tenant residing in a condominium to comply with the general regime and organization of the by-laws of the condominium and this results in some inequities and some breakdown of management where there is no authority or no control over this situation.

We want to prohibit the use of reserve funds—and I think this is quite a significant point—for operating purposes unless the unit owners vote otherwise, so that the reserve funds are truly allocated for the use for which they have been put aside which are major issues like the repair of a boiler or roof, something like that, but not the operating expenses from day to day. This

legislation will give greater flexibility for voting criteria in making property management decisions, and it will create a distinction between repair maintenance, alterations and substantial alterations.

Each of these changes I will just touch on briefly now, Madam Speaker. On the disclosure issue, these amendments are intended to ensure that consumers will have relevant current information that can help them understand condominiums and make an informed decision on purchasing. New purchasers will have to be told of any new assessments or charges that are pending. As my honourable colleagues across the way know, when a purchaser comes on stream there is a current obligation now that the by-laws, the building declaration, the management contracts, there is a whole plethora of documents that have to be communicated to a prospective purchaser before any binding contract can be entered into. We want to expand that obligation of the promoters and the vendors of condominiums so that there are no surprises in store for a new purchaser. So if there are any new assessments or charges that have been voted on by the condominium organization which the vendor or the developer would have knowledge of, that the new purchaser be informed of this so that there is real consent and knowledgeable, informed consent before the purchaser would enter into the contract.

The condominium corporation will also have to furnish certificates outlining things like parking, and I can advise my honourable colleagues opposite that parking issues, parking stalls, allocation of same, used to be one of the most contentious things that I would enter into or be involved in when I would be acting on behalf of purchasers of a condominium, so this issue of parking allocation has to be clearly outlined to the prospective purchaser. The management staff arrangements, the corporation directors, the list of who they are, their identification, and any outstanding corporation liens or breaches for which the new purchaser is going to be liable have to be outlined to the prospective purchaser.

Madam Speaker, often condominium units are rented out, and this is my second point. A unit owner, as I already touched upon, may not require the tenant to obey the laws of the condominium corporation, so not only is there difficulty between the condominium corporation to the tenant, but, also, if it is not in the

lease, between the owner of the condominium unit and the tenant there is a breakdown in communication and privity of contract as well.

Our change in this area will allow the corporations to enforce the by-laws on these tenants to the same extent as it is done now with the unit owners and to terminate a tenancy if necessary. A corporation must give a unit landlord an opportunity to deal with the tenancy problem. Tenants will be entitled to use the mediation, the investigation and determination provisions of The Residential Tenancies Act, and we anticipate with, of course, the good services of this branch of government that there will be no problems that will come forth, but if, in fact, there are, there is the ultimate hammer that the corporation would have in these sorts of situations.

Madam Speaker, the amendments will restrict the use of reserve funds, which is my third point, for everyday operating expenses. These reserve funds are to be set aside for major repairs or replacement of common elements of the corporation which is the purpose for which they are advertised and set out at the first instance. However, in order not to unduly restrict the management of condominium operations, this legislation does assure and enable a group of unit holders or unit owners, if by a majority vote they decide to use the reserve funds for any purpose including operating expenses, that their hands are not tied. So we believe in this case, the best of all worlds, that we are safeguarding the reservation of these funds, and yet if there is a common will expressed, that these people are not prohibited or their actions be made ultra vires by virtue of our legislation.

Madam Speaker, one of the most pressing problems for condominium corporations is the voting criteria for meetings that the corporation would call. Usually what happens with many condominiums, I am told, is that the owners will look at the agenda or the notice call, and if they are aware of what is going on at the meeting and what is going to be transpiring, then they do not bother to go because they do not want to be involved or they do not want to spend the time, and their absence often expresses an approbation of the activities that are going to transpire. So, therefore, these condominium management meetings or membership meetings are often plagued by owner apathy and low attendance, and this is very serious with respect to the governance issue

of condominium especially where the lack of attendance at these meetings hampers the management of the executive of the condominium corporation so that they cannot enter into an issue of debate or voting on a change of the by-laws which requires a high percentage of attendance by the regulations under our Condominium Act.

In this area, therefore, the proposed amendments will allow a condominium corporation to obtain changes to their by-laws when 75 percent of the vote of those members present—and that is the key issue; it is the members present at the membership meeting or represented by proxy at a meeting held for this purpose—is obtained. So, therefore, this is designed to give greater flexibility to the condominium owners and the management process.

In addition unit owners will have to be given 30 days notice of their meetings. The agenda of these meetings will have to be circulated and a text of any proposed changes in the documentation or by-laws or the governance documentation of the condominium will have to be exchanged and a quorum of a majority of the unit owners will still be required for such meetings.

\* (1030)

Madam Speaker, a related matter in condominium governance is the building repairs, and this we have been advised by the industry has been a matter of some concern and irritation as well. We are moving to recognize two levels or types of building repairs. One of them is substantial, and obviously the converse of that is the nonsubstantial repairs. At present in order to obtain any renovations, any renovations at all, a condominium board must obtain an 80 percent vote of all members. Apparently there have been a number of court references on this issue and they have also enforced this high level because of course this is what the documentation states, and a court of law will only give relief and expression of the documentation that all the various members have endorsed and entered into.

Therefore what we want to do is we want to define or redefine perhaps the meaning of substantial repair, and that is going to be as anything that increases the condominium's operating expenses or materially



changes the manner in which the common elements are used or enjoyed.

The proposal that we are seeking to introduce at this time is that 75 percent of the members, of the unit owners present at a meeting need to approve minor renovations, and any substantial repairs will still require 80 percent approval. So therein lies the distinction, which is just to give a modicum of flexibility to the management of this sort of landholding.

In addition a board will be able to proceed with repair expenditures to comply with municipal by-law orders or cases that pose a threat to life or property.

Madam Speaker, these amendments were proposed by the Manitoba chapter of Canadian Condominium Institute after extensive consultation with the affected people in the industry and organizations. They circulated these proposals to more than 5,000 condominium unit owners and held a general meeting to discuss these issues. We believe these amendments will improve the condominium governance administration, and I commend these proposals and improvements to your attention and to those of the honourable colleagues opposite and highly recommend them for the attention of this Chamber.

Madam Speaker, I thank you very much for the opportunity of putting these few words on the record on this issue. Good morning.

**Mr. Daryl Reid (Transcona):** I move, seconded by the honourable member for Broadway (Mr. Santos), that debate be adjourned.

**Motion agreed to.**

### **Bill 36—The Wildfires and Consequential Amendments Act**

**Hon. Glen Cummings (Minister of Natural Resources):** Madam Speaker, I move, seconded by the Minister of Consumer and Corporate Affairs (Mr. Radcliffe), that Bill 36, The Wildfires and Consequential Amendments Act (Loi sur les incendies échappés et modifications corrélatives), be now read a second time and referred to a committee of this House.

**Motion presented.**

**Mr. Cummings:** Madam Speaker, my comments will be brief, but The Wildfires Act is being introduced to deal with wildfire prevention and control and will replace Part I of The Fires Prevention Act, which is significantly outdated. This will ensure that Manitoba achieves a contemporary approach to wildlife management and enforcement and provides for changes in terminology, strengthens offence and penalty sections, and provides for a clear authority to the minister, officers of the Crown, and local governments regarding a wide range of fire and wildfire-related matters.

Part I of The Wildfires Prevention Act dealing with forest and prairie fires is significantly outdated. The existing provisions and technology often do not reflect a modern or current approach to wildfire prevention and control procedures and methods and monetary penalties are outdated as well.

The existing act does not provide adequate authority for an officer of the Crown to deal with fire emergencies or clarity respecting the responsibilities of municipal governments relating to fire protection operations within their boundaries. Neither does the existing act provide authority to use current wildfire fighting techniques and wildfire operations or provide simplified procedures for changing and amending the wooded district boundaries.

The existing act, regarding railways and industrial and commercial operations and hazard reduction, needs strengthening to allow for inspection of equipment, shutting down of hazardous equipment and operations. In addition, procedures dealing with burning permits, travel permits, work permits and other regulatory requirements will need to be revised to reflect the current realities which is what we are attempting to do with this new act.

The Crown's right to cover firefighting cost also requires clarification. So this new act is based on a review of current legislation in other jurisdictions and endeavours to incorporate the best aspects of other legislation known to us across the country.

Madam Speaker, we contacted a number of groups and organizations that will be impacted by this act; municipalities, forest companies, native and northern organizations, railways and other departments were consulted about the implications of the new act. There were 25 organizations and impacted businesses that were contacted, and there appeared to be a consensus that it was time that a review was undertaken and a new act proposed.

This act should not cause any incremental cost to the province in implementing the bill. Additional revenue will be generated as a result of recovery costs of firefighting and compensation for losses. I have flagged the number of key changes within this proposed act. It is broadened to include all of Manitoba in terms of right to conduct fire protection operations. It enables the minister to reimburse a rural municipality for costs related to fires that start on unoccupied Crown land. It provides general authority for the Crown, a municipality or any person to recover firefighting costs.

The new act increases the fine from \$25 to \$1,000 if persons do not comply with an officer's order to cease work. It also increases penalties to a maximum of \$50,000 from the current maximum of \$300, plus a year in jail for fires that cause severe and considerable damage.

We believe that the passage of this act will enhance effective fire prevention and control enforcement, and I would recommend it to the House.

**Mr. Daryl Reid (Transcona):** I move, seconded by the member for Kildonan (Mr. Chomiak), that debate be adjourned.

**Motion agreed to.**

## DEBATE ON SECOND READINGS

### Bill 4—The Steam and Pressure Plants Amendment Act

**Madam Speaker:** To resume debate on second readings on the proposed motion of the honourable Minister of Labour (Mr. Gilleshammer), Bill 4, The Steam and Pressure Plants Amendment Act (Loi modifiant la Loi sur les appareils sous pression et à

vapeur), standing in the name of the honourable member for Kildonan.

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, I welcome this opportunity to speak on this act having waited weeks for the opportunity to deal with this piece of legislation in the Chamber this morning. [interjection] The member for River Heights (Mr. Radcliffe) has indicated that pressure has been building.

Madam Speaker, we have had an opportunity to examine this piece of legislation and an opportunity to canvass the opinions of some individuals and groups and other organizations involved in this process as a responsible opposition ought to do with every piece of legislation that is brought forward in this Chamber.

I can report, Madam Speaker, that we have consulted and have canvassed the views of individuals and organizations who are involved, and I can indicate that, as a responsible opposition, we have a number of questions with respect to this piece of legislation and this amendment to The Steam and Pressure Plants Amendment Act that is before us today.

\* (1040)

Madam Speaker, the legislation and the amendment came about as a result of the amendments by the federal government under the Transportation of Dangerous Goods Act that require the inspection of mobile anhydrous ammonia tanks used to transfer liquid fertilizer, as well as other mobile tanks. The purported reason for the amendment is a duplication between provincial tests in this regard and the amendments to the federal act that also serve to inspect these same mobile tanks.

I note that we will not have an opportunity during the course of second reading debate to deal with some of the issues and questions raised, but we are putting the minister on notice that there are some questions that we would appreciate having a response to with respect to this issue when we move this bill into the committee stage.

Firstly, it is not entirely clear to me whether the amendment applies to only those tanks dealing with

anhydrous ammonia or whether it applies to all mobile tanks. This is a question that I think ought to be answered with respect to how the amendment applies to mobile transport other than anhydrous ammonia, and we will be looking for responses from the minister with respect to this particular amendment when this matter goes to committee.

Another related issue with respect to the amendments that have been brought forward by the Minister of Labour (Mr. Gilleshammer) concern the ongoing inspections that will be undertaken presumably in-house by the industry to supplant the present inspections being undertaken by provincial authorities. While there is merit and certainly no one on this side of the House disputes the fact that, given the federal nature of this country and given some of the interrelationships between federal and provincial responsibilities, some attempt at preventing duplication of services and utilizing resources on a primary and priority basis makes a lot of sense. Nonetheless, whenever one seeks to remove jurisdiction for regulation and for conducting inspections under those regulations, one must be certain that the follow-up inspections, be they by industry or in-house industry individuals or other outsiders, will be in fact enforced and followed through with.

I am not sure, within the context of this amendment, whether or not there will be some certainty that the in-house inspections will be undertaken, and of course that condition ought to be satisfied before one removes any regulatory inspections that are mandated under provincial legislation. In fact, it is incumbent upon us insofar as our role as regulators to ensure that in fact the regulation and the inspections do take place, because there is initially merit in instituting these regulations and instituting these particular provisions in the first instance. We ought to be clear whether or not, ultimately, when jurisdiction is removed from provincial authorities to undertake these types of inspections that in fact the follow-up inspections will in fact take place.

A related issue to that is the whole question—and I know members opposite do not like to talk about the issue of privatization, because it certainly is rampant. We certainly see it in the health care field, and it certainly is a major concern to Manitoba, but I think we

ought to reflect on the fact that we are given the legislative authority and we are trusted by the public to undertake these matters of personal and public safety, and we cannot deal with these matters lightly. Any moves to privatize, if in fact this is what ultimately will result as a consequence of these amendments, ought to be looked at very, very carefully, because the record and the movement from government regulation to private industry regulations, in some instances, is not a very positive experience.

If you went to the general public, if we went to our constituents today and asked them what is one of the significant or major roles of government, clearly, all members, regardless of political stripe, regardless of their position whether they be in the government or the opposition, would agree that the enforcement of regulations for public and private safety is of utmost concern and utmost responsibility of the government. I suggest that in several areas we have seen a move away from regulation by the public through the legislative body to private regulation, and we have not seen the same high standards upheld.

I am not faulting private industry for this, Madam Speaker. It is only by the nature often of the industry and it is not even intentionally often that standards become lax, but there is a different degree of interest on the part of the public through their elected bodies and elected officials with regard to enforcement of standards and regulation vis-a-vis those people in the industry who are charged with that responsibility insofar as their goals and their very motives are different. Again, that is not a criticism. That is a reality, and that is one of the reasons why the enforcement of regulations, particularly dealing with public health and public good have been left collectively to the Legislatures and the Parliaments of Canada. So there is some question with respect to this particular bill as it moves forward as to whether or not private industry and private regulations and private regulatory authority, in fact, can undertake to ensure that the priority is given to public and private concerns.

A related issue also concerns the question of whether or not the resources that will be moved from the department that presently undertake this inspection will be utilized. Frankly, our experience in a lot of areas of the Department of Labour and various other

departments is that the change and the move from public to private regulation results in elimination by the government of those positions. Heaven knows, Madam Speaker, there is a deficiency in many areas, particularly the Department of Labour, with respect to inspections and other activities. There has to be assurances, and I noticed that the minister's comment indicated that the individual or individuals responsible for the enforcement of these regulations would be moved to other priority areas. If that is the case and if we are assured that proper regulatory inspections are taking place, those individuals or those people in the department who are charged with the responsibility of enforcing these regulations move on to other priority areas and are not eliminated as a result of cost cutting and cost savings by the government at the expense of the public, at the expense of the public good and at the expense of public accountability.

So with those few comments, we look forward to having the opportunity to hear from the public and other individuals with respect to this particular bill when the matter moves to committee. Thank you.

**Mr. Gary Doer (Leader of the Opposition):** Madam Speaker, I would like to join the member for Kildonan in putting a few concerns on the record about the proposed Bill 4, The Steam and Pressure Plants Amendment Act. Clearly, the challenge for this Legislature is to review the so-called stated intent of the act, as articulated by the minister in his presentation to the Legislature on April 18, wherein he summarized the goal of the government in introducing this act with the actual impact of this act on the public, the public interest, and to see and evaluate whether the so-called stated intent of the government and its objectives in introducing this amendment to this Legislature is in fact in the public interest and therefore in the interest of this Legislature to pass it.

We submit that there are a great number of concerns that we should be reviewing in what looks to be an act to deal with alleged, as the government has stated, duplication in the inspections under this act, because the public interest must be paramount. Public safety must be the priority, and that must come first over the principle of dealing with so-called overlap based on the new federal act and its impact here in Manitoba.

One must ask the question—I am sure the member for Kildonan (Mr. Chomiak) did—is why are we going in one direction in Manitoba on this change in the federal legislation and requirements, and why are we going in a different direction in Saskatchewan than we are in Manitoba? As we understand it, in Saskatchewan, which also has obviously a number of tanks, ammonia tanks, and as we understand it, all three varieties that are affected by the act—the cargo tanks, the nurse or in-field tanks and the immobile storage tanks—why is Saskatchewan maintaining and enhancing their provincial presence, and why are we moving away from our role and responsibility with this act dealing with our responsibilities and inspections?

We see an ebb and flow of the responsibility of governments generally on the issue of public safety and public responsibility versus delegating this authority and this responsibility to the so-called private sector.

It is not just in the area of storage tanks, but it is in any area of transportation or transportation of dangerous goods. There is a whole series of policy decisions that are being made in different jurisdictions at different times, but ultimately the public interest will determine, I believe, the necessity for the inspections to be maintained by a partnership between the public interest and the user of these storage tanks.

\* (1050)

Look at the whole issue of inspections dealing with—most recently in Ontario, we have had considerable debate now on the sort of unfettered free-market method of transportation in the province of Ontario and the lack of public inspections and public safety standards on trucking. I mention this because it is an example where a jurisdiction moves more and more away from maintaining the public interest, and only after the tragedy of death and injury do we see the public crying out again for the public interest to be served and that the private interest be put in a secondary basis to the public safety issues that resulted in a deregulated transportation system or a more deregulated transportation system. People were horrified to hear and read and to study the lack of safety standards and lack of independent inspections in the trucking industry in Ontario and watching those wheels come off vehicles and killing families and children.

I suggest to members opposite that in debating a bill like this, although the example is in trucking, the principle of having inspections maintained by the government is very, very crucial to the decisions being made in this Legislature.

Now the government alleges that the federal government is eliminating the provincial requirement to provide these inspections, and it will allow the department to devote its resources to more effective purposes. Well, anytime this department has withdrawn from inspections, it has not increased inspections somewhere else. We know that. That is just mere wind and rabbit tracks in terms of the provincial government's experience and our experience with the Department of Labour. When they withdraw from the role of inspecting something or some jurisdiction, they do not reallocate those inspections to mining inspections, for example, where we have had tragic deaths. In fact, we have withdrawn money here. We are going to probably be withdrawing resources here in this area at the same time we are withdrawing resources from the mining safety training program that has been eliminated in this provincial budget. So we have found that the words are easy to write.

The speech writers and ministers can give out these well-sounding terms, we will remove resources from one priority to another priority, but we found that the public priority is always short shifted. When you do the score card in the sky of the actual results, you will find, as I say, to use an old John Diefenbakerism, wind and rabbit tracks, in terms of the results.

The minister states that the federal initiative generally affects the provinces of Alberta, Saskatchewan and Manitoba. Alberta has discontinued its follow-up program; they use other terms, like in Saskatchewan, they were inspected under another scheme. However, the new arrangements will be similar in all three provinces. Well, I do not think that is true. Our research indicates that it is not going to be the same case in Saskatchewan as what the minister said in this House, but you use different words like they are inspected under another scheme—kind of Orwellian in double talk, I think it is called in terms of, you know, what is that other scheme? Are they moving these inspections completely over to the federal government, which is what the minister alleges in his opening

statements, or according to our research is the Province of Saskatchewan not maintaining a presence, not passing a bill like this where they walk away from their public responsibility?

Now we understand that Saskatchewan is not changing their legislation or regulations, and we understand Saskatchewan has already got tighter regulations of their tanks. We understand Saskatchewan tests both storage and cargo tanks, and that in Saskatchewan they require in-field tanks that are used on highways to have a 265 psi as opposed to field-use tanks which only are required 250 psi. So how can the minister say Saskatchewan has a similar scheme when they are not changing their act, they are not changing their regulations, and they feel it is in the public interest to maintain a provincial presence in these inspections? We understand Saskatchewan is hiring two more pressure vessel inspectors because of the increased need. That will bring their total number of inspectors to 11.

Manitoba has one inspector for ammonia tanks and allegedly he or she will be reassigned. I hope this is not true in this case, but usually when this government reassigns somebody they reassign them from work to welfare because they declare them redundant and lay them off. I certainly hope this is not the case with the one singular inspector that this government is going to wipe out with this legislation.

So why would the minister misrepresent Saskatchewan? Now, we get suspicious. Maybe we should not be, but it is the role of opposition to be asking critical questions, I would think. It is in the public interest to ask why Saskatchewan is going in one direction with the changed federal legislation and why Manitoba is going in another.

Now, you cannot talk—[interjection] Obviously, Saskatchewan had a much more difficult financial situation that was left them by the scandals and the disasters of the Devine government. So, certainly, they have been dealing with harder and harsher financial realities than this government which was left a surplus in the '88-89 provincial budget, according to the Provincial Auditor, a surplus that they had to gerrymander with the creation of a fund, a Fiscal Stabilization Fund, to hide the true nature of the books

which I think is regrettable. So Saskatchewan is dealing with the same kind of financial pressures as the provincial government.

How many staff has the federal government got dealing with the regulations here in Manitoba? Are they staff of the federal government or are they staff of a private hauling company? Can the minister tell us if he is going to lay off or reassign the one inspector we have in Manitoba? How many inspectors will be left working for the public safety interest or how many will be part of some wishy-washy, mushy self-regulating, never regulating private sector kind of operation? What are some of the major farm groups saying about this? Has the government met with the farm groups to talk about this change? Have they given them any kind of advice? Can the government table any advice from any farm groups?

\* (1100)

So we are quite concerned about this. We are a little worried that the government is trying to slip one by here. Oh, it is just a little technical change, and just a little change on—you know, the federal government is doing this and we are doing that, and therefore everything will be—we will all live happily ever after. Well, we do not think that is true. If the federal government does not have an inspector or inspection staff, then what the minister said in his opening statements about why we are doing this is questionable. The new federal tests and inspections for highway tanks are to be conducted on a two-year basis by certified and designated testing facilities.

The question really remains then, according to the minister's statement, who is certified and why is the federal government not maintaining at least one inspector to work on behalf of the public interest as opposed to people that are designated to be self-inspecting privatized inspectors, people that sell something and inspect it at the same time? If you sell something, you want to sell it. You have the inherent challenge of trying to be a commercial enterprise hauling these tanks, selling these tanks, and therefore your desire to control the tanks or stop hauling them is put into a real challenge. Now we understand hauling companies have been assigned the role of inspecting what tanks should be hauled or not.

This comes back to my point about Ontario in terms of the trucking industry. We have found that the trucking industry in some jurisdictions where they were allowed to self-police have not been that good at self-policing. We do not like tires coming off tandem trucks and killing kids on highways, and I know this government does not either, and that is why we need a public inspector and an independent inspector working on behalf, with public standards and public requirements, working on behalf of the public interest. Who is going to ensure that these tanks when they are being hauled on the highway after this act is passed are not potentially just on the line of safety versus unsafe conditions? When I or members opposite are driving down the highway with their children or their family, I would rather have somebody, quite frankly, working for the provincial government inspecting those tanks than the person who owns the truck inspecting those tanks, because the person owning the truck wants to haul the tanks. I do not blame them. They are in a competitive business. You do not make money by not hauling freight; you make money by hauling freight.

We have a lot of concerns about this bill, and we think what the government is intending on doing and what they are actually doing are the opposite. If the federal government was going to maintain a separate, independent, publicly administered inspection services, that would be one question, but it looks to us like a complete privatization. The province used to do it. The province is proposing to get out of it. The federal government is going to delegate it to private, self-regulating people, and there will be nobody left working for the public interest on storage tanks for the public.

So I think the minister has a lot of explaining to do, and I hope he does it at second reading, on closing debate on second reading—do they close debate on second reading or is it third reading?

**An Honourable Member:** Third.

**Mr. Doer:** I hope the minister will, given that the minister did not answer these questions at second reading—it has been so long since we debated other bills—but I hope the minister, who I cannot say is not here right now, will be answering the questions about—

**An Honourable Member:** His presence is all we are debating.

**Mr. Doer:** Perhaps, but we would like a more pervasive presence by the minister with public inspectors on ammonia tanks. That is exactly our point. We think the minister is taking away his and her presence on this bill. We think that the Minister of Education (Mrs. McIntosh), when she is driving down the highway with her family, should know that the ammonia tank that is sitting on the truck beside her is completely safe. We want to know—

**An Honourable Member:** How do you know that for sure? There is no guarantee in anything in life.

**Mr. Doer:** Well, there is no guarantee in life, but why is Saskatchewan providing more guarantees and more independent inspectors working in the public interest, albeit the farm economy—well, the whole economy in Saskatchewan is much larger than in Manitoba now, the fastest growing economy in the country; Manitoba was second. It shows you with a good crop and an NDP government you are in first place, and a good crop and a Tory government you are behind the NDP in Saskatchewan, but that is off the principles of the bill.

**An Honourable Member:** Just in the last 10 years.

**Mr. Doer:** Well, we had a couple of good years in '88 and '87. The minister is right, but we sort of lagged down behind. Tory times are tough times. There are floods, disasters, acts of God. I wonder if the members opposite could explain why there are more negative acts of God while they are in office than when we were in office. Is somebody trying to tell us something?

**An Honourable Member:** God only gives you what He thinks you can handle.

**An Honourable Member:** We are waiting for the good times.

**Mr. Doer:** Maybe Manitobans will want to have those good old-fashioned summers and springs back with a good government in the future, and the sun will shine again on our citizens in more ways than just the weather, of course, in a short period of time.

We would like the minister, the all-pervasive minister that the Minister of Education is talking about, to explain why he is not being so pervasive in this bill by just withdrawing and walking away from just the one inspector that we have in Manitoba to perform the public function. We are going from one inspector in the provincial-federal inspection area to no inspectors. That, to us, is not enhancing public safety. You can use all these fancy little words you want, but it is actually taking away from it. We are going from a one-inspector office, which is probably already burdened compared to Saskatchewan, to a no inspection office, federal or provincial.

It is sort of like watching these two sumo wrestlers go at it. It is, oh, this is your job; no, this is your job, and then, unfortunately, it will be nobody's job. I think the minister has a lot of explaining to do by saying that Saskatchewan has a similar scheme. Saskatchewan is not changing their act. They are not changing their regulations. They are not decreasing their inspectors. They are increasing their inspectors. I think the Tories are trying to put one over on the public in terms of this issue. I challenge the Tories to explain the difference between Saskatchewan enhancing inspections directed by the public and Manitoba walking away under the same federal law. I also challenge the provincial government to tell us what farm groups have said and other groups that are affected by these changes. Have they got any letters or concerns about it? Because the minister just makes it sound *qué será será*, whatever will be, will be. Well, this Legislature cannot take that kind of all-pervasive retreat approach in its legislative duties, so we in opposition do not see the public safeguards in this bill. We see the government retreating from a responsibility. We see the federal government not fulfilling that responsibility, and we do not believe that only the private sector should have a self-policing environment.

We do challenge the government to come up with farm group feedback and also the explanation of how they can say Saskatchewan is doing similar to Manitoba, when it appears to us they are going in the completely opposite direction in terms of public safety. Those are the brief comments I want to put on the record on this Bill 4. As I say, the public's safety will be paramount to us, the public impact will be paramount, and retreating from responsibilities has to

be justified. We do not believe the government has justified it in this bill and in the explanation that we received today. Thank you very much, Madam Speaker.

**Mr. Gord Mackintosh (St. Johns):** I move, seconded by the member for Broadway (Mr. Santos), that debate be adjourned.

**Motion agreed to.**

### **Bill 7—The Midwifery and Consequential Amendments Act**

**Madam Speaker:** To resume debate on second readings, Bill 7, (The Midwifery and Consequential Amendments Act; Loi sur les sages-femmes et modifications corrélatives), on the proposed motion of the honourable Minister of Health ( Mr. Praznik), standing in the name of the honourable member for Transcona (Mr. Reid).

Is there leave to permit the bill to remain standing?  
[agreed]

\* (1110)

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, I welcome the opportunity of standing in the Legislature today and dealing with The Midwifery and Consequential Amendments Act. I welcome the opportunity to have something that was not available to my predecessor in the Health portfolio, the soon to be member of Parliament from Winnipeg North Centre, Judy Wasylycia-Leis, to debate this bill, something that she and other members of our caucus have strived long and hard for in terms of implementation. On behalf of herself and all others who worked on this from our party's viewpoint, I am very pleased to have the opportunity to deal with this bill.

Madam Speaker, I would be remiss if I did not acknowledge the excellent work undertaken by all the individuals and groups who brought this bill through to its fruition to provide us with an opportunity today to debate this bill and this legislation and to hopefully, as soon as possible, have in place a functioning and a universal and a fully accessible midwifery system in Manitoba. I acknowledge the work of all of the organizations and all of the groups that have worked

long and hard in order to bring this legislation to the point where it is at today and who will be working in the future to commence the implementation of this very important bill.

Madam Speaker, I will not acknowledge all of the groups and organizations in the context of my comments because that has been done by other members of the Legislature, but I commend them for their hard work. I wish to thank them for their assistance, Madam Speaker, for after all our view is to reflect that of the community and those views of our constituents. This is clearly a piece of legislation and clearly a move toward something that has been welcomed, and it has been long looked for in Manitoba. The reality of midwifery becoming a universal health care, universally applied and accessible health care, primary care service, delivery and care in Manitoba is something that has been worked on for some time by these groups and organizations.

Often when dealing with the public, the impression is left that almost all issues and matters that are dealt with in this Legislature are dealt with in an environment of confrontation and an environment of an adversarial nature.

Madam Speaker, this is only true in a small portion of the legislation that appears before us on a regular basis. Midwifery is one item that all members of this House, whose comments I have had the occasion to review, and all political parties support. We have supported it; the Liberal Party have supported it; and the government have supported it by virtue of bringing forward this legislation. It is an example of how this Legislature can and does reflect the viewpoint of Manitobans. It is something that I wish to emphasize and point out, because often the impression is left for one reason or another that legislation does not come forward or progress is not made because of the confrontational nature of this Chamber. I can tell you that we have supported—and I have looked back in speeches, back seven, eight, nine years—completely the introduction of legislation of this kind, and other members in opposition parties have done likewise.

Madam Speaker, I do not wish to commence my comments or begin by suggesting that this has been a delayed process. It has been a process that has been



looked forward to by many members of the community, and the fact that it can and will become a reality in Manitoba is welcomed by us and is welcomed by the community at large. We, in the opposition, will do our part to ensure that this legislation is passed as expeditiously as possible, and we will do our part to ensure that midwifery becomes a reality in Manitoba as soon as possible. We will do our part to ensure that it becomes the reality that many people in Manitoba are looking forward to and a reality that many people in Manitoba are looking forward to seeing come about.

Having said that, Madam Speaker, that is not to say that we will not be questioning government on some aspects of this legislation. One must not assume that questions or criticisms are meant in any way to deter from our support for this legislation, rather questions and positive criticism of which there will be some are only put forward in an effort to improve the environment and to improve the situation with respect to this speedy and expeditious move toward the dawn of a new era with respect to midwifery in Manitoba.

We have watched with interest the moves toward midwifery in Manitoba since 1988. We have welcomed the initiatives. We have pushed for faster implementation of the initiatives since that time, and we have before us today a bill and legislation that establishes midwifery as a primary health care service in Manitoba, something that we support wholeheartedly. It is interesting that with the move toward technological and scientific development and the adoption of a scientific model as it relates to health care that something as significant as midwifery, something that has been recognized in human civilization from the dawn literally of civilization could have become marginalized as it has in our modern society. I think there is a lesson in this process that the move towards the scientific, technological society that we have, with all of its benefits, often results in a tendency to discredit and downplay the significance of something that has been so basic to human history, human knowledge and human workings for so long. I am afraid that that is part of the reason why it has taken so long for midwifery to become a recognized reality in this Legislature.

Madam Speaker, we welcome it. In fact, we suggest that the government recognize in bringing forward this

bill and this move towards midwifery to look at other services and to look at other aspects of health care and to bring within the Manitoba environment other forms of health care that have been long recognized as effective but have been cast aside.

Let me cite other examples, and that is the use of nurses in primary delivery of health care. We have suggested that nurses, who have long been a backbone in the delivery of primary health care, are underutilized in many cases in the health care system and ought to be recognized for the service that they provide. One of the best case examples is the utilization of nurses for the delivery of vaccinations, again something that is an old idea, old because it is effective, but not old because it does not work anymore and, in fact, has application in our health care system today. Studies will show that nurses and others can offer very, very positive and very, very useful service in this area that is related to vaccinations and other areas of our health care system.

\* (1120)

So let the movement towards midwifery in Manitoba not be the end of the process but the beginning of a process that recognizes in Manitoba a lot of the care and a lot of the services that have been traditionally and very effectively delivered. Let this be the dawning of a new era, Madam Speaker. Let this not be an opportunity for government or governments to say, see what we have done to community health care now that we have midwifery. That is the example of what the delivery of health care in the community can be. That is not enough. Let us use this as an opportunity to recognize there are other forms and other very effective means of delivering health care in the community just as effectively as hopefully will take place, as I know undoubtedly will take place when midwifery becomes a legislated reality in Manitoba. In fact, I say the word "legislated" because it is a reality in Manitoba today. The problem of course is the nonlegislative nature of it and the difficulty in practising midwifery that has resulted as a result of issues that I raised earlier in my discussion.

When contemplating these comments I was tempted to reflect on the whole process that took place, but I will resist that temptation because, ultimately, this is a positive day, and it is a day when we should reflect on the future and on how we can best expeditiously

implement the midwifery system in Manitoba, once the legislation is passed, so there is no need to go through the historical development of this process that began to the very studies starting initially with the study from the Manitoba Advisory Committee on the Status of Women and the various other interim steps that have been taking place to lead us to where we are today.

Madam Speaker, I do not know how I can more positively express our support for midwifery in Manitoba other than what I have stated earlier. I, as a matter of again reflecting on my comments, was going to talk about my own familial background with midwifery going back to Ukraine and the birth of my father and aunt there in fact through that process and how effective that worked, but I think I would rather go on and deal with some of the issues arising out of this legislation that we will be canvassing with the minister and with public groups particularly when we reach the stage of committee debate in the Legislature.

The majority of issues, Madam Speaker, I think, because of the process that has been undertaken and because the matter has been undertaken for as long a period as it has, are largely noncontroversial and a lot of the surrounding issues with midwifery have been dealt with through the process that has been engaged in. However, there are issues outstanding with respect to this legislation that I think bear scrutiny and certainly bear discussion as we move forward in this process.

Our assumption from the legislation is that somehow from the period of time when the bill is passed until the college is up and running, there will be an interim arrangement with respect to the regulation and the structure of midwifery in Manitoba. Indeed, although at this stage of debate we are not permitted by our rules and regulations to really refer to specific provisions of the act, certainly there are transitional provisions provided in the act that deal with the transition from the point in which the legislation is passed until the Registrar and the council and the college are actually up and running. Given that the bill entails an educational component, the creation of a college that is comprised of practitioners, this is not only natural but it is necessary.

Now, I guess the only device left to the government—well, no, in fact that is not the case, the

point is the transitional council will be appointed by Order-in-Council, and I guess there is some question as to who will comprise that transitional council. I have been led to believe that in fact the transitional council will be comprised of or very similar to the implementation committee that brought about this legislation, but we do not know that. I would and we will be questioning the minister when we go into committee with respect to how that transitional period and that transitional council will function, because frankly, decisions made at that level and at that time are going to be extremely important with respect to the future of midwifery in Manitoba because they will set the ground rules with respect to how the matter can function.

A second issue that I wish to raise is the whole question of what the corresponding regulations will be concerning this particular legislation. While I appreciate that many of the provisions and authority for the functioning of midwifery in Manitoba will fall to the college and the council ultimately, there will be significant regulatory authority that will be passed both in the interim and perhaps on a permanent basis by the government. and I have a long-standing concern that has been stated very often in this Chamber that we who are passing legislation in this House ought to have access to the regulations.

Very, very often the regulations assume even in their interpretation of the statutes, assume even greater importance in the statute itself. I do not think we can actually do justice to ourselves or our community without having a look at a review of these regulations.

I take it, Madam Speaker, that the principles—that is that the woman is the caregiver and the centre of childbearing experience and the midwife bases her care in respect for the women and their families, striving to enhance the women's choice, control and dignity, and the other principle that proves that midwifery legislation to support midwives are paramount in this legislation. I hope in spirit and in fact that those principles will be carried forth throughout the process of both the transitional implementation and the actual implementation of midwifery in Manitoba.

There are some concerns with respect to the nature of the insured service as it applies to midwifery and the

ability of the government by Order-in-Council to determine the aspects of that delivery of service. Let me give you an example of my concern, and I am not suggesting—again, this is positive criticism, but it is based on experience that has actually happened in this Chamber.

\* (1130)

Last year, Madam Speaker, in the middle of the budgetary year, the government agreed to cut back the number of visits that Manitobans could be insured for with respect to chiropractic care. Now, as I understand it, that change took place with the approval of the chiropractic—the college. Even though it may have been approved by that organization, I am sure there were negotiations that we are not aware of that went back and forth with respect to this issue, but the bottom line was that as a result of that change undertaken, Manitobans who wished to visit chiropractors have the number of annual visits reduced significantly. I believe two visits a year, down from I believe 12, something in that range.

You can see, Madam Speaker, why the concern over changes via Order-in-Council and via government fiat can concern us with respect to all coverage. How can we be assured that there will be enough allocation of resources to ensure not just now but in the future that women and families who want access to this service will actually have the ability to have access to this service?

I am informed, Madam Speaker, that in fact in some jurisdictions, notably Ontario, that all women who want access to this service in fact do not have access to this service. There are some waiting lists. This is indeed unfortunate. So one of the issues that we are concerned about is the capacity of women to have access to this service and the ability of the government to limit that access through budgetary cutbacks and restraint. I note there is no provision in the 1997 budget for provision of this service, and I note from the minister's comments that the government is not assuming that this service will come into operation until 1998, so perhaps that is a factor and it is obviously a factor. But we are concerned, given the tendency on the part of the government to deinsure and underfund many aspects of health care, that this matter could be a concern.

Related to that, Madam Speaker, is the issue of access to service. I note under the provisions of the act that standing committees can be set up, and certainly there is legislative authority for standing committees to be set up to deal with issues of midwifery as it relates to, for example, aboriginal women. This, I think, in itself is a recognition of the long-standing tradition in the aboriginal communities and a recognition of the need for services outside of Winnipeg, but there are legitimate and valid questions about access to service especially in rural and northern areas and support for educational opportunities to train midwives. I think these issues ought to be addressed up front.

We are assured, with respect to this bill, although I cannot specifically reference anything in the legislation that in fact provides that assurance. Perhaps at committee the minister can direct us to that, but one of the major areas of concern with respect to the legislation of midwifery in Manitoba is the question of practicing midwives and their ability to offer this service.

Now we are under the impression and we are supporting the bill under this impression that practicing midwives will be part of the system. I do not know how they will be brought into the system, under some form of grandmothering, I would assume. They will be brought into the system and they will be allowed to practise; that is, their years of experience will commensurate with the educational provisions, et cetera, but it is significant that there are many women in Manitoba who are qualified and skilled to practise midwifery. We are assuming that they will still be qualified and skilled to practise midwifery in Manitoba once the system is up and running. We are given assurances that in fact this will take place, but I wish to point out that we will be vigilant in this regard to ensure that this takes place.

I am not certain whether or not the bill deals with the entire issue of location of birth. We have had an interesting debate in Question Period in this Chamber the past several days as it relates to location of birth. Clearly, the issue of location of birth is important as it relates to the whole concept of midwifery, the assumption of course being that home births and the locale of birth are incorporated within the functioning operation of midwifery when it is legislatively practised

in Manitoba. This, of course, relates as well to the issue that we have been discussing, particularly the issue of the number of obstetric wards that should be in place in Winnipeg and in Manitoba, in general.

It sort of speaks to a contradictory direction of the government when they are permitting a community hospital, community-based facility, to be shut down to eliminate choices of options for women in Manitoba. One of the arguments put forward by the minister in this regard is to reflect on the Manning report. In doing so, the minister suggests that somehow closure of those wards relate to the introduction of this bill, but I do not think that is accurate, Madam Speaker, insofar as the Manning report actually considered the implementation of midwifery in Manitoba in terms of its recommendations.

So the whole question of locale from our perspective is significant, and we are assuming that locale is considered broadly and is considered in the spirit of which this legislation is coming forward. In that regard, we will be questioning the minister at committee during the debate to ensure that in fact that is the case.

There is no doubt that a change of this kind will affect other areas of health care, but I welcome the assistance of both the Manitoba Association of Registered Nurses and the College of Physicians and Surgeons in welcoming their sisters to the fold, as it were, as primary health care providers.

\* (1140)

I am pleased to see within the context of the legislation that there is provision for public representation and public involvement in the process. Like all bills that are at discretion of government, a lot of these provisions are allowed to be implemented through Order-in-Council and through the appointment of the minister, but we sincerely hope that appointments under this legislation will take place within the spirit of co-operation and assistance that we have seen throughout the process of the development of this legislation and the development of this process in Manitoba.

My fellow members of the Legislature have had opportunity to discuss this bill in depth. I am going to

close my comments by reiterating a number of points that we wholeheartedly support this legislation, that we look forward to the expeditious and development of midwifery in Manitoba as soon as possible.

Madam Speaker, but we do have some questions with respect to this legislation, not just the questions that I pointed out in the course of my comments but those of my colleagues, some of whom have articulated some very, very significant points. Let it be known by one and all that this is one of those pieces of legislation where all political parties in this House are supportive, and all political parties are working together to bring in the best possible legislation for Manitoba—finally, that we recognize that this is a first step.

This is one area where I will be critical of the government. This government has failed to put in place community-based programs, primary and otherwise, and through the wholesale cuts in the health care system has failed to recognize the need for community-based programs contrary to everything promised in 1992 and even subsequently promised in the revisit of 1992 put out last August. The major failing of this government in health care has been a failure to put in place community-based and alternative programs to those that have been cut. Let it be known that we welcome this initiative because it is one example of that, but it is only one example of much, much more that needs to be done in the province of Manitoba. Thank you.

**Madam Speaker:** As previously agreed, this bill will remain standing in the name of the honourable member for Transcona (Mr. Reid).

### **Bill 22—The Law Reform Commission Repeal Act**

**Madam Speaker:** To resume debate on second reading, Bill 22 (The Law Reform Commission Repeal Act; Loi abrogeant la Loi sur la Commission de réforme du droit), on the proposed motion of the honourable Minister of Justice (Mr. Toews), standing in the name of the honourable member for Transcona (Mr. Reid).

Is there leave to permit the bill to remain standing?  
[agreed]

**Mr. Dave Chomiak (Kildonan):** Madam Speaker, we were shocked, and I was personally surprised when we saw the legislation that this government had brought forward to disband the Law Reform Commission of Manitoba.

Madam Speaker, often in the political process we have valid disagreements on policy. There was an attempt previously to deal with the Law Reform Commission, and at that time I was not a member of this Legislature, and I thought that was a bad decision, and members opposite thought that was a bad decision, and it was a bad decision. That decision did not go forward. Quite rightly. Now we see the government who opposed that particular initiative bring forward an initiative to disband the Law Reform Commission. It was a bad decision years ago and it is a bad decision today. This is not one of those issues that there is going to be a great deal of public discussion, I dare say, unfortunately, across Manitoba, about whether the merits of having a Law Reform Commission, but there ought to be. There ought to be a wide-ranging discussion of the values and the merits of a Law Reform Commission in Manitoba.

Madam Speaker, legislation moves to this House often in a perilously slow pace, and often legislation goes through this House with perhaps a less than appropriate examination of the legal ramifications and the ramifications of that legislation but, you know, we have a body or an organization that not only assists us but assists Manitobans in general with respect to improving our legislation.

You know, Madam Speaker, one of the biggest complaints of the legal system is the archaic nature of the legal system, the fact that it goes back 400 or 500 years, the fact that processes and systems are slow and, in some cases, arcane.

Madam Speaker, one of the ways to improve the legal system in Canada and in Manitoba is through law reform commissions, as the name implies. Some of the best legislation that we have seen in this country over the past decade or more has come as a result of investigations and reviews by various law reform commissions, not just in Manitoba, but around the country. I dare say when I was in law school, working my way through a degree, when I needed a reference,

an updated reference to laws and its implications, one of the first places to review it was at the Law Reform Commission and the Law Reform Commission and studies, because, frankly, there is no other way or no other means of dealing and reviewing legislation.

Madam Speaker, the government opposite found it convenient on many occasions to take politically controversial issues and move them into Law Reform Commission for examination and study. Now, I do not want to discuss the merits of that particular decision, but the fact is, the Law Reform Commission has delivered excellent advice, not just to members opposite, because they do not just work for members opposite and not just for members on this side of the House, because they do not work just for us, but to all the people of Manitoba with respect to controversial issues, with respect to noncontroversial issues, with respect to legal issues.

\* (1150)

Madam Speaker, we are a lesser province if the government eliminates the Law Reform Commission. What vehicles exist for a review of legislation or an examination in depth of issues? There is a basic conflict between departments reviewing and updating some of its legislation and bringing it forward to this House through the government. It does not always work to the benefit of our constituents when X, Y or Z department wants to bring forward a piece of legislation, and X, Y and Z departments review that legislation and bring it forward to this House.

What objective view is taken of that legislation other than that done by us in the opposition or the public in committee? There is no vehicle; there is no source. What body exists that could compare legislation in Manitoba with other jurisdictions? It does not exist. What body exists? It does not exist, I should add, other than the Law Reform Commission. What body exists that can suggest to the government or suggest to the public that changes ought to take place. There is none.

Madam Speaker, the elimination of the Law Reform Commission is a backward, ill-conceived, inappropriate, wrong-headed decision, and I cannot think of any justification.

Can members opposite cite legislation that does not need review, that does not need upgrading? Look at our court system. Look at our civil system. Look at our entire justice system. Does anyone suggest that there are not processes, that there are not laws, that there are not reviews that are necessary to be examined by an independent, objective body. No. In fact, I am very, very concerned that this government which, frankly, has been less than progressive in legislation, which in fact, Madam Speaker, has turned back many, many innovations, will even be more entrenched and will adopt an even more entrenched and closed-minded attitude.

You know, there is no financial justification for the elimination of this organization. This organization and this body deals with the future. It deals with issues of significance to Manitobans today and into the future, and this government should not dare to cut out that important body and organization. I do not know what justification the government or the minister has made for the elimination of the Law Reform Commission, but I think they would be very, very hard pressed and would find it almost impossible to justify this decision on any grounds.

Madam Speaker, who is going to undertake the studies? I do not know. Who is going to update legislation? Who is going to deal with controversial issues in an objective fashion that allows for an objective review to come before us? I do not know how many times that I have referred to the Law Reform Commission in Manitoba or the Law Reform Commission in other jurisdictions in dealing with matters that have come before me at the Legislature in Manitoba, but I can tell you, in fact, that I regularly contact Law Reform Commissions dealing with legislation and other matters, because I know that they have reviews and studies and the expertise to provide me, as a legislator, and my constituents with adequate and proper information. Well, we are cutting that off, and that is wrong. That is a disservice to Manitobans, and I cannot urge more strongly upon this government to rethink this decision.

You know, Madam Speaker, family law in this country was updated within the last 20 years, updated from the 17th and 18th Centuries archaic procedures, and Law Reform Commissions led the way in

recommending the legislation and in updating it. I dare say, and members opposite know this, family law is in dire need of revisions today, and who are we going to look to, to assist us in those revisions? Who are we going to look to, to provide us with objective advice, to provide us with legal implications?

If there is a criticism valid of the legal system, it is the slow movement of change in laws. Well, in this country that change and that movement towards updating and making laws more relevant was assisted and, in some cases, led by Law Reform Commissions across the country. Madam Speaker, what do we propose to do? We propose to eliminate the Law Reform Commission.

You know, the government has had backbenchers spread out across the province to review this issue and that issue and related issues, and I am not critical of that process, but, Madam Speaker, we are not serving our constituents of the province well by leaving it to backbencher reviews solely of proposed changes and proposed developments in the province of Manitoba. We require individuals and bodies with the expertise and assistance that could be offered by Law Reform Commissions in order to make proper change and adequate change.

I will even go further. There is virtually no issue in legislation or in many areas of development in Manitoba that there is not some Law Reform Commission review done by some jurisdiction somewhere, but we are saying not in Manitoba. I suppose an argument would be, well, we will rely on law reform commissions around the country or around the world to update and to deal with our legislation in our society. We are doing a disservice to our society and to ourselves, not by providing any contribution to that body of knowledge but by undercutting our own differences in legal and cultural and educational background that could be brought forward by a Law Reform Commission of Manitoba.

Madam Speaker, this decision is stupid, wrong-headed. I cannot think there is any justification for this decision. I cannot believe that a government could be so wrong-headed as to do what members opposite are attempting to do. It is hard to believe, unless one has conspiratorial theories, why this government would choose to eliminate a body as effective, efficient and

effective, efficient and necessary as the Law Reform Commission. I just cannot understand it. [interjection]

It has been suggested that perhaps it is one way of silencing the public, silencing viewpoints, silencing criticism, silencing Manitobans from having an opportunity to challenge, to criticize or to move forward in Manitoba, and that is a tragedy. I cannot state more equivocally that the elimination of this body and this organization is bad for Manitoba. It is bad legislation and it ought to be dealt with on that basis.

\* (1200)

**Madam Speaker:** Order, please. When this matter is again before the House, the honourable member for Kildonan (Mr. Chomiak) will have 25 minutes remaining.

The hour being 12 noon, as previously agreed, this House is recessed and stands recessed until 1:30 p.m. this afternoon.

# LEGISLATIVE ASSEMBLY OF MANITOBA

Thursday, May 22, 1997

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