



Third Session - Thirty-Fifth Legislature

of the

**Legislative Assembly of Manitoba**

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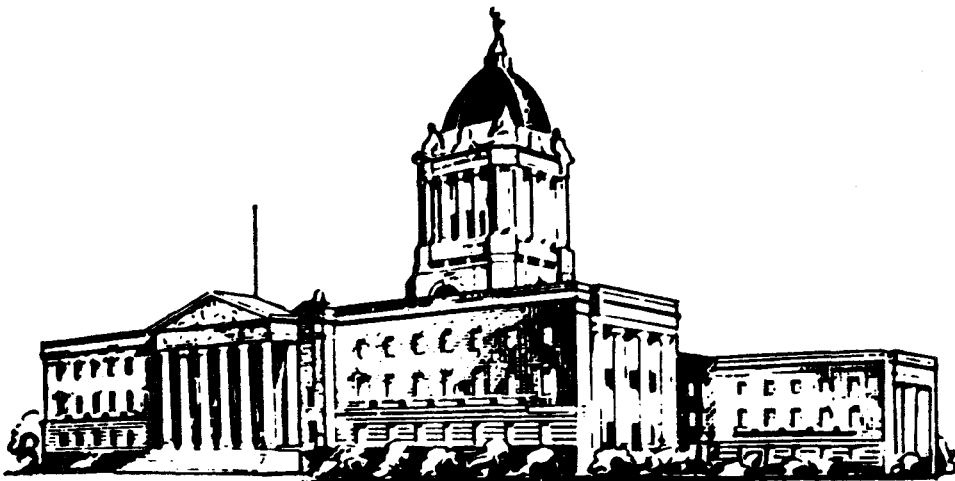
**DEBATES  
and  
PROCEEDINGS  
(HANSARD)**

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**MANITOBA LEGISLATIVE ASSEMBLY**  
**Thirty-Fifth Legislature**

**Members, Constituencies and Political Affiliation**

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

## LEGISLATIVE ASSEMBLY OF MANITOBA

Friday, May 29, 1992

The House met at 10 a.m.

### PRAYERS

### ROUTINE PROCEEDINGS

### PRESENTING PETITIONS

**Ms. Becky Barrett (Wellington):** Mr. Speaker, I beg to present the petition of Julie Davidson, Rob Pringle, Joanne Holland and others requesting the government show its strong commitment to dealing with child abuse by considering restoring the Fight Back Against Child Abuse Campaign.

**Mr. Gregory Dewar (Selkirk):** I beg to present the petition of Roxie Cook, M. Monahan, Trudy Slishinski and others requesting the Minister of Family Services (Mr. Gilleshammer) consider a one-year moratorium on the closure of the Human Resources Opportunity Centre in Selkirk.

**Mr. Leonard Evans (Brandon East):** Mr. Speaker, I beg to present the petition of Kathleen B. Turner, Rick Palmer, Elaine Anderson and others requesting the government consider reviewing the funding of the Brandon General Hospital to avoid layoffs and cutbacks to services.

### READING AND RECEIVING PETITIONS

**Mr. Speaker:** I have reviewed the petition of the honourable member for Brandon East (Mr. Leonard Evans), and it complies with the privileges and practices of the House and complies with the rules. Is it the will of the House to have the petition read?

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

The Brandon General Hospital is the major health care institution for southwestern Manitoba; and

The citizens of Brandon and southwestern Manitoba are deeply concerned and disturbed about the downsizing of the hospital and view it as a threat to the quality of health care in the region; and

The Manitoba government has chosen not to review the current budget to ensure that cutbacks to vital services do not occur; and

The administration of the hospital has been forced to take drastic measures including the elimination of the Palliative Care Unit and gynecological wards, along with the layoff of over 30 staff, mainly licensed practical nurses, to cope with a funding shortfall of over \$1.3 million; and

WHEREFORE your petitioners humbly pray that the Legislature of the Province of Manitoba may be pleased to request that the government of Manitoba consider reviewing the funding of the Brandon General Hospital to avoid layoffs and cutbacks to vital services.

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I have reviewed the petition of the honourable Leader of the Second Opposition (Mrs. Carstairs). It complies with the privileges and practices of the House and complies with the rules (by leave). Is it the will of the House to have the petition read?

The petition of the undersigned residents of the Province of Manitoba humbly sheweth that:

WHEREAS the Province of Manitoba announced that it would establish an Office of the Children's Advocate in its most recent throne speech and allocated funds for this Office in its March '92 budget; and

WHEREAS the Kimelman Report (1983), the Aboriginal Justice Inquiry (1991) and the Suche Report (1992) recommended that the province establish such an office reporting directly to the Legislative Assembly of Manitoba, in a manner similar to that of the Office of the Ombudsman; and

WHEREAS pursuant to the Child and Family Services Act Standards, the agency worker is to be the advocate for a child in care; and

WHEREAS there is a major concern that child welfare workers, due to their vested interest as employees within the service system, cannot perform an independent advocacy role; and

WHEREAS pure advocacy will only be obtained through an independent and external agency; and

WHEREAS the Minister of Family Services (Mr. Gilleshammer) has unsatisfactorily dealt with

complaints lodged against child welfare agencies; and now

THEREFORE your petitioners humbly pray that the Legislative Assembly of Manitoba strongly urge the provincial government to consider establishing an Office of the Children's Advocate which will be independent of cabinet and report directly to the Legislative Assembly of Manitoba.

\* (1005)

### TABLING OF REPORTS

**Hon. Clayton Manness (Minister of Finance):** Mr. Speaker, I would like to table two reports: the First Quarter of the Manitoba Telephone System and the Second Quarter of the Manitoba Public Insurance Corporation.

### Introduction of Guests

**Mr. Speaker:** Prior to Oral Questions, may I direct the attention of honourable members to the Speaker's Gallery, where we have with us this morning three senators from the State of North Dakota, and they are Orlin Hanson, Harold Anderson and Bob Bennett.

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

Also with us this morning, we have from the Kleefeld School thirty-two Grade 8 students. They are under the direction of Evelyn Weber. This school is located in the constituency of the honourable Minister of Highways and Transportation (Mr. Driedger).

On behalf of all members, I welcome you here this morning.

### ORAL QUESTION PERIOD

#### Clean Environment Commission Jurisdiction

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, yesterday, the government, in justifying its decision in dealing with the Clean Environment Commission, stated in its press release that the recommendations of the Clean Environment Commission were outside of the mandate of its jurisdiction. The Premier (Mr. Filmon) was also quoted as saying that the Clean Environment Commission exceeded its jurisdiction, quote, unquote.

I would like to know, what sections of The Environment Act, passed in this Legislature in 1987 and proclaimed in 1988, did in fact the Clean Environment Commission exceed in the recommendations that they made to cabinet?

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, the licence that was issued yesterday was a director's licence from the Department of Environment. I am pretty sure the Leader of the Opposition knows that. He knows that the director of the department does not have the authority to deal with the broader policy issues, such as parks policy and parks boundaries.

**Mr. Doer:** Mr. Speaker, my question again is to the Premier who made the public comment today, consistent with the government's communication strategy, that the Clean Environment Commission exceeded its jurisdiction. Now, I have read The Environment Act, and the I have read the material in debates pursuant to The Environment Act that we passed in this House in 1987.

I would like to know what legal authority the Premier has to make his statement that they exceeded their jurisdiction. Can he table with the people of Manitoba a legal opinion backing up his public position on this recommendation?

**Mr. Cummings:** Mr. Speaker, the Leader of the Opposition can play games if he wants, but I think he is afraid to enter into the discussion, a discussion that when they were in government, they never involved themselves in, in the review of parks policy in this province to deal with the issue of multiple-use parks. We are one of the few jurisdictions in the country that has multiple-use parks. If he understands the issue at all, he will want to enter into that discussion.

He knows full well that under the conditions of this licence, we will probably exceed the recommendations of the Environment Commission which says that we have a three-year phase-in in dealing with those policy issues.

**Mr. Doer:** Before my time, the previous government dealt with the Atikaki Wilderness Park, Mr. Speaker—[interjection] Well, the Premier (Mr. Filmon) huffs and puffs from his seat. Maybe he wants to justify his position. Maybe he wants to stand up and tell the people of Manitoba where he—

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

**Mr. Doer:** There were decisions made prior to The Environment Act on Atikaki Park dealing with

wilderness parks and the use of wilderness parks. There was an environment act that was passed by the previous government in 1987 that required licensing of forestry operations, Mr. Speaker. This act was proclaimed in 1988. The Premier has made a statement to the public that this Clean Environment Commission exceeded its jurisdiction.

Can the Premier please provide the people of Manitoba with a legal opinion that supports his statement that the Clean Environment Commission exceeded its jurisdiction, and that is why cabinet had to make the decisions it did.

\* (1010)

**Mr. Cummings:** Mr. Speaker, the Leader of the Opposition, and I suspect a large number of the members of the opposition, has a hard time dealing with this issue. On the one hand, they do not want to offend the environmental community which is on one side of the issue. On the other hand, they are very concerned about the labour unions, strong supporters of them traditionally, who are concerned about the management policies that will be put in place to govern the parks of this province.

Mr. Speaker, the head of one of the environmental organizations who had a great deal to say at the Clean Environment Commission hearings, in response to the tabling of the process by the Minister of Natural Resources (Mr. Enns) a couple of days ago, where we were going to review parks policy, made this comment. He said, it is good news that they are going to strengthen the legislation to include parks in the legislation and not leave park boundaries on the subject to the whims of ministerial discretion.

Ministerial discretion is what he is talking about when they whipped out from underneath the previous parks areas that Abitibi was using, when he refers to changes that were made arbitrarily by the government. That is what they were. They were arbitrary decisions where the public had no input, where the company had no reimbursement for the millions of dollars that they had spent in management of the area. All of that was made by a stroke of a pen.

We are going to involve the public. We are going to make sure that the policy fits with the desires of the public of this province.

### **Conawapa Joint Environmental Panel Jurisdiction**

**Mr. Gary Doer (Leader of the Opposition):** It is clear the government does not have a legal opinion to back up their public comment that they made to justify the decisions they made.

There is no question, Mr. Speaker, that we have always thought this was a very, very challenging issue. That is why we had proposed new technology, de-inking and other kinds of ways of dealing with the various challenges that were before us. There is also no question that The Environment Act of 1987 and 1988 did scope in these decisions, and the government has chosen to give a rationale for their decisions that I do not believe is based on law, and the government cannot prove otherwise.

I have a new question, Mr. Speaker. The government has memos from the chair of Manitoba Hydro asking the government not to revisit the capital decisions of the Public Utilities Board in terms of the original decision on Conawapa.

Does the government have a legal opinion of whether that recommendation from John McCallum to cabinet ministers—is that inside or outside the mandate of the joint environmental panel? Is that inside or outside The Environment Act in terms of dealing with this issue?

\* (1015)

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, the convoluted way that the Leader of the Opposition presents that question with a postamble on a previous question tempts me to answer his postamble.

The fact is, Mr. Speaker, that the act which the Leader of the Opposition so gallantly defends and which was previously put together under the administration of which he was part, refers specifically to the licensing being done by the director, and then the appeal is to the Minister of Environment, which is the political decision that he would refer to.

This is a decision that was made in the Department of Environment, the recommendations that they dealt with as a result of the Clean Environment Commission recommendations. Some of those recommendations were outside of the jurisdiction of that director.

It very clearly states in the licence, and perhaps the Leader of the Opposition does not read all the

way to the end of the document, but it says very clearly at the end of the document: However, should any changes to government policy occur that could affect the harvesting plans of the licensee, as detailed in his forest resource management plan, 1991-1998, the Clean Environment Commission shall be requested to review this licence and provide advice to the department with respect to the amendment or revision of that specification.

It is very clearly stated by the director that those are the conditions he attaches to this licence. Those are the conditions which we will respect. There is no political decision as part of this licence. The director responded within his administrative capability.

As to the conditions that he refers to regarding the financial work that was done, the joint panels will have access to that information and I believe will accept that information.

**Mr. Doer:** The minister is not answering the question. The Premier (Mr. Filmon) has stated, and the press release of the government has stated, that the Clean Environment Commission was outside of its jurisdiction. That is the issue here.

Does he have a legal opinion on this? What impact does this have on Conawapa and other projects? The minister has not answered the question and the assertion of the Premier. [interjection] Well, if the Premier wants to stand up and answer some questions, we would be quite willing to ask him some, Mr. Speaker. We have been asking him all along.

Mr. Speaker, does the government have a legal opinion, that if the joint environmental panel dealing with Conawapa recommends that the Conawapa project be renegotiated because the project is not needed until the year 2011, do they have a legal opinion of whether that is inside or outside of the jurisdiction of the joint environmental panel?

**Mr. Cummings:** Again, the Leader of the Opposition wants to jump back and forth between the two issues. Next, he will be relating it to Oldman River or to Rafferty, I am sure.

Mr. Speaker, the act very clearly states that the recommendations of the Clean Environment Commission are recommendations on environmental matters. They can make recommendations on policy, but it is not within their jurisdiction to direct those policy changes.

The fact is, Mr. Speaker, we are reacting very clearly and in a very open manner to a legitimate concern that was raised during the Clean Environment Commission process. We said when that report was filed that this was a legitimate and a welcomed issue, because the Minister of Natural Resources (Mr. Enns) had already started on his process. We can make the policy decision through that process.

What he is recommending is that the government of the day, whatever government, could appoint a group of people independently to go off and strike government policy, and it would be accepted *carte blanche*. If that is the kind of government he is proposing for the people of this province, then he better stay on that side of the House.

### Conawapa Joint Environmental Panel Jurisdiction

**Mr. Gary Doer (Leader of the Opposition):** Mr. Speaker, again, for five questions in a row, the government has not answered whether they have a legal opinion about the Clean Environment Commission exceeding its jurisdiction or not to back up the assertion of the Premier and the Minister of Environment.

I have a final question. Does the government have a legal opinion dealing with the mandate of the Clean Environment Commission or the joint panel that is presently reviewing Conawapa? If the panel recommends to the government that conservation be used to delay the Conawapa project because it is not necessary till the year 2011, as confirmed on Tuesday in the Hydro hearings, will that be inside or outside the mandate of the joint environmental panel that has been established?

\* (1020)

**Hon. Gary Filmon (Premier):** Mr. Speaker, the Leader of the Opposition, I know that he does not understand a lot of these matters, but all he has to do is read the director's licence.

It quotes: Recommendation 4(a) Manigotagan River corridor: It is beyond the scope of The Environment Act to change the boundary of Nopiming Provincial Park.

With respect to Recommendation 6: The recommendation cannot be imposed upon Abitibi-Price Inc. as the recommendation addresses current and future government policies; therefore, beyond the scope of what the director can deal with,

and it is the director who issues the licence, because policy matters are matters of government.

Mr. Speaker, the Leader of the Opposition may want to try and misrepresent the issue as much as he wants, but the fact of the matter is, it is very clearly—if he will just read the licence and read the comments, and if he wants to challenge them, he can take them to court. They are there for him to challenge if he believes that the director does not know the act better than he knows the act.

Mr. Speaker, I will put my faith in the director who has to administer the act.

### **Abitibi-Price - Pine Falls Mediation Process**

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** Mr. Speaker, we have a government that gives a lot of verbal support for the concept of sustainable development.

One of the processes of sustainable development is to have in place a review board, a panel such as the Clean Environment Commission. We have watched the repudiation of decisions of the Clean Environment Commission by the NDP and, yesterday, we saw the repudiation of the CEC by the government of the province of Manitoba, which makes us wonder how we can have any respect for their so-called verbal support for sustainable development.

I want to ask, specifically, a question to the Minister of Environment.

Why did he reject a mediation proposal and a mediation process between environmentalists and those involved in logging at Abitibi-Price, soon to become probably Pine Falls Paper, before he decided to proceed with his own enunciated policies?

**Hon. Glen Cummings (Minister of Environment):** Mr. Speaker, I hope you will indulge me for a moment as I recall the events that followed the Clean Environment Commission recommendation in the period of time when, in fact, the company and the small number of environmental groups that sat down very sincerely—and I give them a great deal of credit for doing it—but they sat down to try and discuss what were the common areas that they could agree on, some of which were in fact directly opposed in some respects to the recommendations of the Clean Environment Commission.

It came down to a situation where finally they said, well, we cannot agree unanimously, but we have a lot of areas of common agreement. They talked about the Manigotagan corridor and matters of that nature which are in fact in the licence today.

I do not think that I could endorse, and I hope that no one on that side of the House could endorse, a Meech Lake style negotiation where people go off to a dark room and settle government policy or settle environmental issues. That would be a travesty on the public process that is in place in this province.

Mr. Speaker, I have attended a number of seminars about consensus making and consensus decision making, and one of the primary tenets of consensus building is to make sure that all the players are at the table. Unfortunately, while we had a group of very well-intentioned environmental groups at the table, we did not have all the interested environmental groups, and we certainly did not have all the interested parties.

Mr. Speaker, I draw a very simple analogy. If you like to take a camper on the weekend and take your family to a park, and if you want the option of having electrified service or not, or if you have the option of more of a wilderness experience or more of an urban experience in doing that, the policy changes that we are talking about will affect you. That will not be made behind closed doors.

### **Licensing Process**

**Mrs. Sharon Carstairs (Leader of the Second Opposition):** But the fact is, this government did not even try to get all of the parties together to see if they could come up with a negotiated settlement, and that, unfortunately, led the government to acting in a unilateral fashion.

Mr. Speaker, in acting unilaterally, they have given out two messages. One presumes that they want to keep the operation viable. I think that is something that is supported by every member of this House; that is, maintain its viability, but at the same time, make sure that it falls within the guidelines of sustainable development. But what they have done is to announce an eight-year licence, hopefully to make it possible for the sale to take place, but at the same time, they say that this eight-year licence may be pulled because it may not be in an equitable condition with their so-called future parks policy.

Now, if in fact this is not a full licence, that the licence can be pulled at any time, how does the

Minister of Environment or how does the Minister of Industry, Trade and Tourism (Mr. Stefanson) think they can sell this project to bankers?

\* (1025)

**Hon. Glen Cummlings (Minister of Environment):** Mr. Speaker, again, the Leader of the Liberal opposition is very much in the same position as the official Leader of the Opposition (Mr. Doer). They are not sure where they want to be on this issue. She has almost just said that she is opposed to any possible redevelopment of the Abitibi-Price mill.

Mr. Speaker, the process that we have put in place will modify that licence. When I came to this office, I did not pretend to know a lot about forestry licensing, but I can tell you that forestry licensing in other jurisdictions is not quite the same as it is here. This is an environment licence with forestry licensing components in it. That is a much more all-encompassing type of licence.

It says very clearly here that this licence will be subject to policy changes. As those policy changes affect parks, there will be modifications. If those policy changes affect other cutting areas in the province, then there will be licensing changes.

What this licence says is that the general configuration of their cutting area will provide a specified ability to cut fibre. That fibre, however, will not necessarily come out of parks. The three-year guideline that was put down by the Clean Environment Commission will undoubtedly be exceeded by the policy progress that I expect to see coming from Natural Resources, and the licence will be modified subject to that.

**Mrs. Carstairs:** Mr. Speaker, let me first of all say that I do not like the Minister of Environment attempting to put words in my mouth which I categorically deny.

The viability of Abitibi-Price and what will become the Pine Falls paper plant, we all hope in the future, is one which is supported I think by every single member of this Legislature. But one of the difficulties which has been clearly identified is the need for appropriate sources of fibre. That is absolutely essential.

What the government did yesterday was to say, we are going to give you a source of fibre subject to a possible change. I want to know from the Minister of Industry and Trade (Mr. Stefanson) how we can take that kind of a potential deal to a banker and say, maybe you have a licence, maybe you do not have

a licence, and I am going to give \$135 million on a maybe?

**Mr. Cummings:** The reason I said a moment ago that this member was trying to scuttle any arrangement with Abitibi is because she does not understand forestry licensing. Every licence in this province is subject to policy change and will continue to be.

### Aboriginal Issues Government Commitment

**Mr. George Hlckes (Point Douglas):** For over two years, the aboriginal people have waited for this government to make good on its promises and announce details of their so-called urban aboriginal strategy.

Mr. Speaker, repeatedly when we have raised this issue in the Chamber, the Minister of Northern Affairs has given us his prerecorded messages of great things to come in the near future. Aboriginal people do not want more empty promises and press releases from this minister. His letters of commitment have been proven to be useless for the Abinochi preschool, and the CP station, just to name two examples.

My question to the Premier (Mr. Filmon) is: Will the Premier tell the House today when he will order the minister to finally stop the speeches and act on these issues?

**Hon. James Downey (Minister responsible for Native Affairs):** Mr. Speaker, I would just like to inform the member that this government and this Premier were the first government to support the indigenous women of this province by Core funding, something that he and his government did not do. We have, before the people of Split Lake, a final settlement for them to vote on, as a community on, a major agreement. We are the government that is bringing hydro to the north-central communities, bringing them out of Third World conditions which he was prepared to leave them in. Shame on them.

As far as the Urban Native Strategy is concerned, we are working with those community people to provide them with services and facilities.

\* (1030)



### Aboriginal Centre Funding

**Mr. George Hickes (Point Douglas):** Mr. Speaker, that is a perfect example of the prerecorded message that—

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

**Mr. Hickes:** Mr. Speaker, since the supporters of the proposal to take over the CP station have said that they need a financial commitment by June 1, can the Premier (Mr. Filmon) tell the House whether they will get such a commitment in time?

**Hon. James Downey (Minister responsible for Native Affairs):** Mr. Speaker, the urban native community waited for some how many years when the New Democrats were in office to at least acknowledge that they were in fact an important part of the community? There has been a commitment made, and that commitment will be lived up to.

**Mr. Hickes:** Mr. Speaker, how can this provincial government continue to stall on this project which has been under development for years? They need a commitment by June 1, or the other funding by the federal government and the city is going to be lost.

**Mr. Downey:** Mr. Speaker, first of all, if it is a genuine commitment by the City of Winnipeg and by the federal government, I do not believe that they will withdraw that funding on the 1st of June.

What is so magical about the 1st of June? Why would a government, either city or federal, if they are truly committed to a process and to a project, on some certain day withdraw? I have not seen evidence or heard of evidence from either of those two bodies, municipal or federal, of the fact that they are going to withdraw.

We are working within our department, working with the aboriginal community to make sure that this commitment is lived up to.

### Multicultural Secretariat Activities

**Ms. Marianne Cerilli (Radlsson):** Mr. Speaker, the Minister responsible for Multiculturalism created the Multicultural Secretariat which had a budget of over \$300,000 for its first year and a staff of over six people. The problem is no one really knows what this office does, and unfortunately, the annual report is pathetic in trying to provide any information about what this staff is doing.

Mr. Speaker, since this office was created by the government, they cut ESL consultants, they cut the Multicultural Resources Centre—

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

**Ms. Cerilli:** —and they cut the Heritage Language Program. Can the minister tell the House what concrete accomplishments this office has made and why they were not reported in this annual report?

**Hon. Bonnie Mitchelson (Minister responsible for Multiculturalism):** Mr. Speaker, I reject completely the preamble from my honourable friend across the way.

The Multiculturalism Secretariat has provided a very valuable service to many different communities and many different individuals in the multicultural community over the term of its office and over the last year, year and a half, that it has been in place.

I make absolutely no apologies, because maybe the opposition critic does not believe that the community is being served, but I have talked to many, many individuals who value the service that is provided by the Multiculturalism Secretariat.

**Ms. Cerilli:** What I am asking is that some of that information be put in the annual report.

Can the minister tell us, what has this secretariat undertaken policy research analysis and development on and made recommendations to government, in which area?

**Mrs. Mitchelson:** Mr. Speaker, that report has been provided so that I can go into great detail, and I could probably spend half an hour discussing the issues and the policy research that the Multiculturalism Secretariat has undertaken on behalf of the community and Manitobans.

I will be quite prepared to do that through the Estimates process, and I am waiting anxiously for the Estimates of the Department of Culture, Heritage and Citizenship to come up, so that in fact we can discuss in great detail for many, many hours the good work that the Multiculturalism Secretariat has done for Manitobans.

### Report Tabling Request

**Ms. Marianne Cerilli (Radlsson):** Mr. Speaker, it is preparation for Estimates that we are trying to make.

Will the minister table any reports that these policy analysts have completed, so that we can have them before Estimates, so that we can be looking at the

details, as she suggested, of the accomplishments of this secretariat in Estimates and not the vague—

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

**Hon. Bonnie Mitchelson (Minister responsible for Multiculturalism):** Mr. Speaker, I will reiterate again that in fact annual reports are provided so that in fact critics can ask those kinds of very, very detailed questions through the Estimates process.

I certainly am looking forward to being able to answer those questions very fully during that process.

### Crystal Casino Expansion

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, my question is for the Minister responsible for Lotteries.

Last week, the Manitoba Lotteries Commission, along with the minister, were before us in committee, and we talked extensively about the casino. We asked questions in terms of if there were going to be any new casinos. We asked questions in detail about the casino.

At no point in time did the minister give any indication whatsoever that the casino was going to be expanding, and a day later we hear from the Premier (Mr. Filmon) that in fact they are going to be expanding the hours to include Sundays. This minister, time after time, whatever the issue might be, wants to hide from the public what this government's real intentions are on a number of issues.

My question to the minister is: Why did the Minister responsible for the Lotteries Commission choose to hide the proposed casino expansion from the committee just days before her announcement? Why does she continually—

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

**Hon. Bonnie Mitchelson (Minister charged with the administration of The Manitoba Lotteries Foundation Act):** Mr. Speaker, from time to time, government makes decisions on changes in policy and changes in operations. I think if we look at the report that the committee was dealing with, it was last year's annual report, not this year's annual report, and questions should pertain to the annual report that is presented and to be passed.

Mr. Speaker, as I said, government makes policy decisions, and those policy decisions are always announced in due course.

### Manitoba Lotteries Foundation Casino Plans

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, can the minister, given that the minister refuses to discuss casino plans with the public and with the public's representatives, can she tell us today if she plans, if the government has any plans or is considering opening any additional casinos? There has been some requests from the Lord Selkirk—

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

**Hon. Bonnie Mitchelson (Minister charged with the administration of The Manitoba Lotteries Foundation Act):** Mr. Speaker, at this point in time, we have no plans to open any more casinos in the province of Manitoba.

**Mr. Lamoureux:** Mr. Speaker, while in opposition, the Premier (Mr. Filmon) said that he wanted—

**Mr. Speaker:** Order, please. This is not a time for debate.

**Mr. Lamoureux:** . . . if the minister now in a government situation will commit to this Legislature that any new casino, possible casino that she does not want to admit to today, will be subject to debate before the implementation by this government?

**Mrs. Mitchelson:** Mr. Speaker, as you know, as decisions are made by government, those decisions will be announced.

I guess I would ask the member for Inkster which way he would like to have it. Does he want 50 percent of the gambling dollars that Manitobans spend continue to go across the border to the south of us, or would he like to see those dollars spent here in Manitoba? I would like to know what the Liberal Party position is on that issue.

### Service de Consellier Funding

**Ms. Becky Barrett (Wellington):** Mr. Speaker, the Minister of Family Services and the Minister of Justice (Mr. McCrae), among others, have stated publicly in this House, and certainly through major press releases, that they are intent upon making services to not only victims of violence but abusers more available to the people of Manitoba.

In February, the people from the Service de Conseiller providing services to abusers in French met with the minister and were told they would not have any funding available.

Can the Minister of Family Services tell us today why that decision, in light of the fact that he has provided additional funding for other agencies that provide services for abusers in Manitoba, why he has still refused—

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

\* (1040)

**Hon. Harold Gilleshammer (Minister of Family Services):** Yes, we were pleased to be able to bring forward in this year's budget additional resources, not only for our shelter system but for a number of the centres that provide services to women and vulnerable people across this province.

There are other requests out there, requests from groups that have had funding from municipal and federal governments. There are other requests for additional services, and I can say to you that within this budget, we gave a tremendous increase to this Department of Family Services, and I just remind the member that in Ontario, the increase was half a percent to child welfare, half a percent to women's shelters and vulnerable people.

Our department has seen a tremendous increase in expenditures this year. There is more that we have to do in future years. There are other agencies that I think provide good service that have been accessing funding from other sources. We simply cannot pick up all of those funding requests at one time.

**Ms. Barrett:** Can the Minister of Family Services explain the discrepancy between the actions of his department in refusing to fund the Service de Conseiller with the Premier's (Mr. Filmon) announcement in November of 1991 regarding phase two in the expansion of services to the French people in this province? How does he explain to the people of Manitoba the discrepancy?

**Mr. Gilleshammer:** Mr. Speaker, the discrepancy is in the mind of the member for Wellington. I have just indicated that there have been tremendous increases in the funding and the service levels that our government has provided. There are other groups that are wanting funding and requesting funding that have been funded by other levels of government. There are initiatives that are within the

department, and as resources are available, those provisions of services will be expanded.

**Ms. Barrett:** Can the Minister of Family Services explain to the people of Manitoba, and particularly the people of Manitoba whose first language is French, why this appears to be the only group within the province of Manitoba that is unable to access funding from this government to provide services to help abusers?

**Mr. Gilleshammer:** Mr. Speaker, the challenge to organizations such as the Winnipeg Child and Family Services, such as Osborne House, is to provide culturally appropriate services. They are well aware of that issue and I think are working clearly toward that objective.

### Manufacturing Industry Shipment Statistics

**Mr. Leonard Evans (Brandon East):** I have a question for the Minister of Industry, Trade and Tourism.

The Canadian Manufacturers' Association has forecast a decline of 2.9 percent in the value of manufacturing shipments for the year 1992, the worst performance of any Canadian province.

My question is directed to the Minister of Industry, Trade and Tourism. Can the Minister of Industry, Trade and Tourism tell us how much will the value of manufacturing shipments decrease in the province of Manitoba in 1992?

**Hon. Eric Stefanson (Minister of Industry, Trade and Tourism):** Mr. Speaker, in terms of looking at the manufacturing sector, there are three traditional economic indicators. One is shipments, one is employment and one is capital investment.

I would remind the honourable member that in the area of capital investment, Manitoba is predicted to have the highest growth of any province in all of Canada, some 31 percent higher than every other province in Canada. In manufacturing employment, we are among the top three or four in all of Canada in terms of our manufacturing employment statistics. Actually, even in shipments, we are fifth best, and while there has been a slight decline, the projections in the manufacturing sector for Manitoba are positive.

**Mr. Leonard Evans:** A supplementary—how does the Minister of Industry, Trade and Tourism really and truly expect the employment in manufacturing to expand when the Conference Board of Canada

forecast that overall employment in Manitoba will decline by 2 percent in 1992?

Every sign is for decline. How can he predict that there is going to be an increase in manufacturing employment?

**Mr. Stefanson:** Mr. Speaker, quite simply, because, as so often happens in the House, the members of the opposition selectively choose a particular economic indicator at a given point in time. I want to remind the honourable members that there are 12 aggregate indicators. Out of those 12, Manitoba is predicted to be in the top half of Canada in eight of those 12.

In the sectoral indicators, there are seven indicators. Manitoba is predicted to be in the top half of Canada in all seven. Those include areas like manufacturing investment being first; investment from the private sector being second in all of Canada; the third lowest unemployment rate in all of Canada; the third lowest level of bankruptcies.

I could go on and on and on to remind the honourable member how the performance indicators are showing for Manitoba, Mr. Speaker.

#### **Simplot - Brandon Plant Government Assistance**

**Mr. Leonard Evans (Brandon East):** Another supplementary to the minister—very specifically, can the minister give us an update on the Simplot situation in Brandon? Has the company now approached the government for financial assistance?

**Hon. Eric Stefanson (Minister of Industry, Trade and Tourism):** I think the honourable member knows that the company approached us some time ago to start discussions on the issue of financial assistance.

Those discussions have been ongoing. The company is having discussions with us. They are having discussions with financial institutions. They are having discussions with prospective investors. Those discussions are ongoing.

The lines of communication are excellent between the government and Simplot, and we will continue to work with them and negotiate with them in terms of their future expansion plans.

#### **Child Guidance Clinic Government Position**

**Hon. Rosemary Vodrey (Minister of Education and Training):** Mr. Speaker, yesterday, a question was asked by the member for Kildonan (Mr. Chomiak) regarding the Child Guidance Clinic, and I would like to provide him with the information that he requested.

The question concerned our support as a government to the Child Guidance Clinic and its services to children. I would just like to remind him that this government does support the services of clinicians in this province, that in order to support those services, we have lowered the ratio of students per clinician through the funding formula. The effect of that is then to make sure that more clinician services will be on the grant. We have increased the amount of the grant per eligible clinician, and we have increased the amount of money available for clinician services across this province by \$2.1 million.

The decision of divisions to administratively be part of the Child Guidance Clinic is however a local decision, and it rests with the local school divisions.

#### **Child Guidance Clinic Government Position**

**Mr. Dave Chomiak (Kildonan):** My question is to the Minister of Education and Training.

Mr. Speaker, the minister totally missed the question. She had 24 hours to answer the question, and she totally missed the question, the same way that she does when I ask initially.

My question to the minister is what role will the province play in bringing the parties together to ensure that the services provided by the Child Guidance Clinic continue to be provided in the city of Winnipeg? She totally missed the question by giving her pat response—

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

**Hon. Rosemary Vodrey (Minister of Education and Training):** Mr. Speaker, I think if the member checks Hansard, he will see that he asked about the support that this province offers toward the Child Guidance Clinic, and I was very happy to provide him with the support that this government offers toward the services of clinicians.

Also, as he understands, the decision administratively for divisions to be part of the Child

Guidance Clinic rests with those local divisions to make that decision. We provide the funding available; they determine how they wish to use that funding in relation to clinician services.

**Mr. Speaker:** Time for Oral Questions has expired.

### Nonpolitical Statements

**Hon. Donald Orchard (Minister of Health):** Sir, might I have leave of the House for a nonpolitical statement, please? [Agreed]

Mr. Speaker, as you can see, members from both sides of the House have decided to make a fashion statement today in support of the Children's Hospital Research Foundation.

Today is the Foundation's annual "Wear Your Bear" day, where 15,000 Manitobans will be going to work, school or their daily activities wearing a T-shirt promoting this weekend's Children's Miracle Telethon.

During the past six years, the telethon has raised over \$4 million going toward patient programs and quality care at Children's Hospital. In addition, the money raised goes toward the Foundation's \$1.4-million commitment to research and to childhood diseases such as cancer, sudden infant death syndrome, heart and kidney diseases.

Mr. Speaker, this weekend's telethon brings to a climax a week of events organized by the Children's Hospital Research Foundation. Last Sunday, the foundation hosted the annual Teddy Bears' Picnic at Assiniboine Park, where a number of fun activities were held for children, with a positive message about the importance of safety, prevention and wellness.

The foundation's ambassador, Dr. Goodbear, has been synonymous with promoting good health in children and has helped take away some of the fears they might have about doctors and hospitals. Several other events have been added this year, including a car rally, a celebrity karaoke contest, a dance marathon and a beach volleyball tournament.

We can see by this type of involvement and the range of activities how interested Manitobans are in providing excellent medical care to our children and in research to help eliminate the diseases that sometimes afflict them.

Mr. Speaker, few things concern those of us who are parents more than the health and well-being of our children, and that is why many of us in this

House and those in the community, some 15,000 strong today, are showing our support for the Children's Hospital Research Foundation. I would encourage all of us as Manitobans, each in our own way, to help a miracle happen soon.

\* (1050)

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

**Ms. Judy Wasylycia-Lels (St. Johns):** Mr. Speaker, I would like to very much join with the Minister of Health in recognizing today as "Wear a Bear" day. I want to indicate that the absence of our T-shirts is not a sign of a lack of commitment. We are very much indebted to the organizers and volunteers behind this week of activities around support for the Children's Hospital.

I want to, on behalf of the New Democratic Party, make a few comments of support for these efforts. I would like to make some comments from a political point of view and a personal point of view. It is a political issue in the sense of speaking or a policy point of view in terms of this is truly a nonpolitical issue, where we all join together in support of the efforts of the organizers of the Children's Hospital and fundraising to continue to ensure that medical services for very needy children and research in some very difficult times must be supported by all of us. We are all 100 percent behind those efforts.

I want to say, Mr. Speaker, on a personal note, I am truly indebted to the services provided by the Children's Hospital, especially after a week like I have had. I am grateful for the ongoing work that the Children's Hospital, particularly the neurology clinic, has afforded me, my family and, particularly, my son, Nick. So it is with that kind of spirit, and I am sure there are others in this House who have directly benefited from the medical services, the caring spirit and the research endeavours associated with the Children's Hospital, that we all join for policy reasons and for personal reasons in this great week of support for the Children's Hospital.

I want to end by saying a special word of thanks and gratitude to CBC for sponsoring the Children's Miracle Telethon this coming Sunday. I would like to add my words of congratulations to all the volunteers and organizers who have put on so many events this week and to all Manitobans who have participated in those events and shown such

incredible generosity and a spirit of true giving. Thank you, Mr. Speaker.

**Mr. Speaker:** Does the honourable member for The Maples have leave to make a nonpolitical statement? [Agreed]

**Mr. Gulzar Cheema (The Maples):** Mr. Speaker, I would also like to join with the Minister of Health and the member for St. Johns on behalf of our caucus about this special event. It is such a special thing when individuals, organizations, professionals and the community at large are getting together, and they have done a wonderful job for the last so many years in sending a very special message on two fronts; first of all, it is very much caring individuals as a special characteristic of Manitoba, which I have seen for the last almost seven or eight years, that there is a willingness to work together and also a sense of pride and a sense of working for a human cause, and this is one very good example.

That is why, Mr. Speaker, we in this province are a lot different and a lot more positive than the rest of the country, and I think that is one example.

I want to add our best wishes to the organizers and the individuals who are involved in this fundraising event. I think in a way, as the member for St. Johns (Ms. Wasylycia-Leis) has said, each and every one of us has some kind of personal experience dealing with health care issues, and also, when you are dealing with children, Mr. Speaker, at that age it is so important to give them everything possible in whatever way we can. We should always try to do that.

I must say that we are very happy and very pleased that something like this has been happening, and we should follow on all other fronts also. Thank you.

### Committee Changes

**Mr. Neil Gaudry (St. Boniface):** Mr. Speaker, I move, seconded by the member for Osborne (Mr. Alcock), that the composition of the Standing Committee on Private Bills be amended as follows: The Maples (Mr. Cheema) for St. James (Mr. Edwards). [Agreed]

**Mr. Edward Helwer (Gimli):** Mr. Speaker, I move, seconded by the member for St. Vital (Mrs. Render), that the composition of the Standing Committee on Private Bills be amended as follows: the member for Gimli (Mr. Helwer) for the member for St. Norbert (Mr. Laurendeau). [Agreed]

### ORDERS OF THE DAY

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, will you call Report Stage of the bills shown, starting on page 5.

### REPORT STAGE

#### Bill 5—The Manitoba Advisory Council on the Status of Women Amendment Act

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, on behalf of the Minister of Culture, Heritage and Citizenship (Mrs. Mitchelson), I move, seconded by the Minister of Health (Mr. Orchard), that Bill 5, The Manitoba Advisory Council on the Status of Women Amendment Act (Loi modifiant la Loi sur le Conseil consultatif manitobain de la situation de la femme), reported from the Standing Committee on Law Amendments, be concurred in.

**Motion agreed to.**

#### Bill 6—The Denturists Amendment Act

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Manness), that Bill 6, The Denturists Amendment Act; Loi modifiant la Loi sur les denturologistes, reported from the Standing Committee on Law Amendments, be concurred in.

**Motion agreed to.**

#### Bill 7—The Real Property Amendment Act

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Health (Mr. Orchard), that Bill 7, The Real Property Amendment Act (Loi modifiant la Loi sur les biens réels), reported from the Standing Committee on Law Amendments, be concurred in.

**Motion agreed to.**

#### Bill 8—The Garnishment Amendment Act

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Government Services (Mr. Ducharme), that Bill 8, The Garnishment Amendment Act (Loi modifiant la Loi sur la saisie-arrêt), reported from the Standing Committee on Law Amendments, be concurred in.

**Motion agreed to.**

### **Bill 38—The Manitoba Evidence Amendment Act**

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Labour (Mr. Praznik), that Bill 38, The Manitoba Evidence Amendment Act (Loi modifiant la Loi sur la preuve au Manitoba), reported from the Standing Committee on Law Amendments, be concurred in.

**Motion agreed to.**

### **Bill 46—The Jury Amendment Act**

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Health (Mr. Orchard), that Bill 46, The Jury Amendment Act (Loi modifiant la Loi sur les jurés), reported from the Standing Committee on Law Amendments, be concurred in.

**Motion agreed to.**

### **Bill 48—The Personal Property Security Amendment Act**

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Government Services (Mr. Ducharme), that Bill 48, The Personal Property Security Amendment Act (Loi modifiant la Loi sur les sûretés relatives aux biens personnels), reported from the Standing Committee on Law Amendments, be concurred in.

**Motion agreed to.**

### **Bill 68—The Public Trustee Amendment, Trustee Amendment and Child and Family Services Amendment Act**

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, I move, seconded by the Minister of Health (Mr. Orchard), that Bill 68, The Public Trustee Amendment, Trustee Amendment and Child and Family Services Amendment Act (Loi modifiant la Loi sur le curateur public, la Loi sur les fiduciaires et la Loi sur les services à l'enfant et à la famille), reported from the Standing Committee on Law Amendments, be concurred in.

**Motion agreed to.**

### **DEBATE ON SECOND READINGS**

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, would you call Bills 80 and 81 in adjourned debate on second readings.

\* (1100)

### **Bill 80—The Dental Association Amendment Act**

**Mr. Speaker:** On the proposed motion of the honourable Minister of Health (Mr. Orchard), second reading of Bill 80, The Dental Association Amendment Act; Loi modifiant la Loi sur l'Association dentaire, standing in the name of the honourable member for Inkster.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, I had adjourned debate on behalf of our Health critic, whom I know wanted to put a few words on the record for it.

**Mr. Gulzar Cheema (The Maples):** Mr. Speaker, I will say a few comments on this Bill 80.

Mr. Speaker, basically this bill is going to correct some of the problems we have within the present act and will give more power to the Manitoba Dental Association to deal with some of the issues which have been raised through the public and some of the concerns. Basically, this will protect patients more than it has done in the past.

I think it is a good step. It is a positive step forward. We have a couple of concerns that we will discuss at the committee stage, but, on the whole, I think it is a very positive one in view of what is happening across this nation. I think we are moving in a positive direction.

This bill will basically do what the College of Physicians and Surgeons are already doing, so I think that will be in line with what we demand or what we require from our licensing bodies to protect the public interest, and this bill will be very helpful.

Also, because if we look at the case that was in 1990, there was a case in the Manitoba Court of Appeal. At that time, one of the dentists was found to have some difficulties as far as some of his professional capabilities were concerned, but the Manitoba Dental Association was not able to ask this particular individual to improve his skills or comply with the law because they did not have the power. So this bill will give them the authority to correct some of those problems.

We have received the letter from their president, and I will communicate with him that we do support this bill. There are a couple of concerns, but that has to be brought up at the committee stage. Mr. Speaker, thank you.

**Mr. Speaker:** The honourable Minister of Health will be closing debate.

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, I thank my honourable friends for their contribution to the amendments to The Manitoba Dental Association Act.

I look forward to their comments in the discussion we will have around committee stage. Thank you.

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

The question before the House is second reading of Bill 80, The Dental Association Amendment Act; Loi modifiant la Loi sur l'Association dentaire. Is it the pleasure of the House to adopt the motion? [Agreed]

### **Bill 81—The Optometry Amendment Act**

**Mr. Speaker:** On the proposed motion of the honourable Minister of Health (Mr. Orchard), Bill 81, The Optometry Amendment Act; Loi modifiant la Loi sur l'optométrie, standing in the name of the honourable member for Inkster.

**Mr. Kevin Lamoureux (Inkster):** Mr. Speaker, as for the other bill, I had adjourned debate, knowing that the critic for Health from the Liberal caucus was wanting to add a few words to it, too.

**Mr. Gulzar Cheema (The Maples):** Mr. Speaker, I would like to add again a few comments on the bill.

We have studied the bill in quite some detail, and we may have a few problems in terms of some of the clarifications that are required, but, in general, this bill will do the same thing as Bill 80, and the other Manitoba medical act. I think this will go in line with all the professional bodies.

I think this bill will be very helpful to protect the interest of the public at large. It will also go in line with what is happening across this nation, that individuals are demanding more answers from professional bodies, and they want to have full input, they want to have full investigations done. I think we want to make sure that the public will get the best possible health care. I think all these bills will really go in a positive direction.

As I said from the beginning, we may have one or two concerns that we can bring at the committee

stage. We will be getting in touch with the association to ask some of the concerns we have. Certainly, I think the minister's comment I read—and they have met with the minister, and I think this bill has the full support from the association. Certainly we will encourage any individuals who want to come and speak to this bill at the committee stage and bring their personal experiences, if there is any difficulty, because we can always learn.

**Mr. Speaker,** we are not closing the whole thing. We want to make sure at the committee stage, if we have the room to improvement, we will do that. Thank you.

**Mr. Speaker:** The honourable Minister of Health will be closing debate.

**Hon. Donald Orchard (Minister of Health):** Mr. Speaker, again I thank honourable friends for their contribution to debate and look forward to presentations at committee stage, and any discussion and potential improvements can be considered there, Sir. Thank you.

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

The question before the House is second reading of Bill 81, The Optometry Amendment Act; Loi modifiant la Loi sur l'optométrie. Is it the pleasure of the House to adopt the motion? [Agreed]

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**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, would you call Bills 71 and 43.

### **Bill 71—The Retirement Plan Beneficiaries Act**

**Mr. Speaker:** On the proposed motion of the honourable Minister of Justice (Mr. McCrae), Bill 71, The Retirement Plan Beneficiaries Act; Loi sur les bénéficiaires des régimes de retraite, standing in the name of the honourable member for Kildonan.

**Mr. Dave Chomlak (Kildonan):** Mr. Speaker, I rise as our party's spokesperson for this particular bill, that is Bill 71, The Retirement Plan Beneficiaries Act. I can indicate to the House and for all members of the House that we will be passing this bill into committee, and I will be the only speaker speaking on behalf of the New Democratic Party with respect to The Retirement Plan Beneficiaries Act.

I have not had an opportunity of perusing the minister's comments on the introduction of this bill,



but I can indicate that I have reviewed the bill myself with respect to some of the designations. It appears to me that this bill was being brought in because of difficulties being incurred by RRSPs and other retirement benefit plans.

As I understand it from my reading of the act, and that is from my reading of the act, the difficulty was that if an individual did not designate who the beneficiary would be in their will, it was assumed automatically in the will that the beneficiaries under the will would take the benefits of the pension plan, even if a beneficiary was designated in a pension plan otherwise. What the legislation does, from my reading of it, is indicate that a person can designate a recipient in a pension plan, Mr. Speaker, by indicating on the approved and special form that they are doing so. These approved and standard forms are generally issued by the pension companies and those other individuals who are involved in that.

So, just in summation, from my understanding, presently the situation is that if you have an RSP and you want to designate a beneficiary, for example, you can designate on a standard form that that person will be the beneficiary. You can also designate those kinds of eventualities in your will, Mr. Speaker.

My interpretation of this act is that somehow there is a conflict between what would be the designation in the will and what would be the designation in the standard form issued by the pension companies or other organizations providing for pensions. So I assume that the act is being brought in to clarify that in fact the designation contained in a standard form, that is the forms issued by the companies or other organizations involved in providing pensions or retirement benefits, will take precedence over the will, unless otherwise indicated in the will, Mr. Speaker, and I think it is a purpose of clarification.

\* (1110)

My assumption for the bringing in of this bill, Mr. Speaker, is that the industry and those involved in pension benefits probably brought it in for purposes of clarification. I would—and I do not know this for fact, but I assume there have been some sort of challenges or some kind of litigation in this matter. What has probably occurred is that when the pension benefits designation form came in conflict with the designation as applied in a will, the will took precedence, and this is the attempt by the

government to provide for paramountcy, as it were, of an instrument signed by the participant, the instrument being the standard form provided by the industry.

I note that there is a cautionary device that is provided for in the legislation, and I raise that because, Mr. Speaker, it is a concern that we have flagged on this side of the House with respect to the designation of the beneficiary, because the question of a future marriage or divorce does not necessarily invalidate the designation as provided in that instrument signed by the participant under The Retirement Plan Beneficiaries Act.

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

As I understand it, as a cautionary note, the forms provided, that is those standard forms provided by the industry, and/or those individuals and/or companies that are providing for pension or retirement plans, must include a cautionary note in fact as a warning on the standard form or on the instrument that the nonrevocation of the standard form could result in a designation being made to one's previous designee, or previously designated person, which is more appropriate, and one could find oneself in a situation of designating a pension benefit to a former mate or a former spouse, and that cautionary note must be on the standard form. But it strikes me that there could be some difficulty, Mr. Acting Speaker, in the actual implementation, because being what it may, we know for a fact that individuals do not always renew their wills as often as perhaps some might suggest they should and this could very well get lost in the process.

This amendment does appear to change somewhat my understanding and comprehension of the common law respecting wills as it applies, insofar as the designation with respect to the RRSP or the retirement benefit or the plan must be specifically designated in the will for the will to take precedent in terms of the designation, in terms of the beneficiary to whom the benefit will apply. This is a bit of change from my understanding of the law.

I would assume, as well, that if no designation is made either in a specific form, or a specific designation is made in a will, that of course the common law will prevail and the will will continue to stand in its place to designate who the recipient of the benefit will be.

It will put an onus on those who are advising and instructing individuals with respect to RRSP and pension benefits as to the legal force and the legal effect of their designation on the RRSP and in the will. It does raise some interesting legal issues and legal questions, Mr. Acting Speaker. Notwithstanding and not dealing with other pension amendments that are before the Legislature and pension benefits amendments that are before this Chamber at this very time, it makes for an interesting scenario with respect to the advice that is given to an individual or individuals with respect to whom and how they designate the beneficiaries for their legal benefits.

In terms of force of law at present, I do not think it will have an effect in terms of whether a spouse, for example, can take their appropriate or their legal share of the benefit, but it makes for an interesting question if generally an individual enters a—shall we say by way of an example—legal office and has a will drawn up, generally, I would expect that they would be counselled as to the effects of The Dower, and Testators Maintenance Act, and other forms of legislation in effect that provide benefits to a spouse. That may not necessarily—and this is not to criticize the industry practice, but that may not necessarily be the practice when an individual walks into an institution or some other organization and seeks to designate who the beneficiary will be. In fact, it could allow an individual to designate a separate beneficiary with respect to the RSPs and the other benefits vis-a-vis pension plans from that contained in the will.

I just point that out, and I will be querying the minister on this particular issue, because it is a concern of ours with respect to the practice. Although I have to underscore the fact that—at least from my present understanding of the way the law and the system works, at least I recall when I practised in this area, generally, at least in form if not in fact—individuals were allowed to carry out this practice as the legislation exists. In other words, an individual could come in and would designate separately on a separate form who the beneficiary would be under the pension plan or other form of action, Mr. Acting Speaker.

So with those comments, I can generally indicate that we do have questions with respect to the application of how this system works. Certainly, on the surface, in a review of this legislation, we do not have a major problem since it seems, at least to my analysis, to put into effect what has generally—and I

say generally—been my understanding of the common practice with respect to wills and the designation of benefits under retirement plans. Unless, on my reading of the legislation, there is something that I as an individual or as a caucus in a review were not aware of in terms of the ramifications.

This brings me back to the other point that I have made mention on numerous occasions with respect to bills introduced of a legal nature by the minister. A flow chart or an interpretation chart would be most useful from all members in the House with respect to legislation of this kind. In fact, it would be most useful for all legislation, but certainly in legislation of a particular legal nature that could have ramifications in terms of application in other areas of the law or other areas of statutes, it would be most useful so that we would have something to refer to.

Just by way of example, Bill 78, The City of Winnipeg Amendment Act that the Minister of Urban Affairs (Mr. Ernst) provided a sheet, which made most useful the interpretation of the legal ramifications and the technicalities that have resulted from the amendment to The City of Winnipeg Act. Similarly, it would be most useful in acts of this kind to have an interpretation from the minister with respect to the ramifications and the implications of this particular bill, Mr. Acting Speaker.

So, generally, with those comments, I would indicate that I will be the only speaker on this side of the House. We will be passing this matter into committee with a caveat that we do have some questions, ones that I have raised this morning during debate with respect to this particular application of this bill. I know that there will be others with respect to how this bill applies for the minister at committee stage. Thank you very much.

\* (1120)

**Mr. Kevin Lamoureux (Inkster):** I move, seconded by the member for Osborne (Mr. Alcock), that debate be adjourned.

**Motion agreed to.**

### **Bill 43—The Farm Income Assurance Plans Amendment Act**

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable Minister of Agriculture (Mr. Findlay), (Bill 43, The Farm Income Assurance Plans Amendment Act; Loi modifiant la

Loi sur les régimes d'assurance-revenu agricole), standing in the name of the honourable member for Burrows (Mr. Martindale). Is there leave that this matter remain standing? No? No.

**Mr. Steve Ashton (Thompson):** Mr. Acting Speaker, I would just like to indicate that we have debated this bill, and there may in fact be further comments added to the record on third reading.

I do want to indicate that the member for Burrows will not be speaking today in order to get this bill into committee. We have a number of other agricultural bills, and it seems fairly applicable, fairly appropriate that we should be dealing with this bill in conjunction with other agricultural bills.

I do want to indicate though—and I know the member for Burrows I am sure will be speaking on third reading—that he wanted to put some comments on the record in terms of this particular bill, in terms of the agricultural situation, and I think that is important.

The member represents an urban constituency, and I think that is important in this Legislature that we put those kinds of comments on the record, Mr. Acting Speaker, because the bottom line is, we do need, I think, as all members of the Legislature, to speak broadly on bills and not just those that affect our constituents directly.

I will indicate that some of my constituents might be surprised that today I am speaking on this particular bill. I think I have one farmer in my constituency—one farmer, yes, indeed, I do.

**Hon. Albert Driedger (Minister of Highways and Transportation):** He does not support you.

**Mr. Ashton:** Well, the Minister of Highways and Transportation says, he does not support me. We will see about that.

**Hon. Harry Enns (Minister of Natural Resources):** He speaks highly of you.

**Mr. Ashton:** Well, the Minister of Natural Resources says, he speaks highly of me. I know that whether I have his support or not that all members from across the way will understand that I am speaking today in terms of not political support but in terms of support for the agricultural community.

There are a number of comments that were put on the record in terms of this particular bill, Mr. Acting Speaker, because Bill 43 deals with The Farm Income Assurance Plans Amendment Act. I

know our Agriculture critic was quite vocal. Many concerns have been expressed in terms of the GRIP program in particular by farmers in this province. It is something that I have tried to follow, because once again this is an issue that affects everyone.

I think the viability of the agricultural community is important. Concerns have been expressed about the way the GRIP program was developed by the federal government. There have been specific concerns raised only recently in terms of the situation in terms of lentils, for example. We had many producers down here, and the changes that were made in terms of support for those who are producing that particular crop.

I think it is important, Mr. Acting Speaker, that we get those issues discussed more in this Legislature. I think one of the problems that we have run into is the structure and way in which we discuss matters.

Technically, on this bill, for example, we have to deal with the principle of the amendment. I know if we stray from that, you, Sir, and other members of this House will often raise the question of relevance. But, you know, Mr. Acting Speaker, what may be relevant or not relevant in the context of the rules, in some cases, is often quite reversed from relevancy in the real world.

I would say, Mr. Acting Speaker, that some of the bills we discuss are probably not that relevant to most people. Therefore, the debates that we have that are relevant to those irrelevant bills are irrelevant. What I would like to suggest is that there are some other bills where, if you look at this particular one, the debate we could have on the agricultural situation right now in Manitoba would be relevant, but it would be ruled irrelevant by the rules, and yet it would be relevant to the people of Manitoba. So what is irrelevant is not necessarily relevant, and what is relevant is not necessarily irrelevant.

I know that the Minister of Natural Resources (Mr. Enns), I know the Acting Speaker has been following this very carefully. That is why I am saying that my comments in this particular case may be bordering on the irrelevant as far as this bill is concerned, but they are highly relevant to the province as a whole, because any time any of us has a chance to stand up and talk about the agricultural situation in this province, that is relevant.

Perhaps we need to change the rules a bit in this House to allow for that, to allow for a more general

debate so that all of us could participate. I say, Mr. Acting Speaker, having been a member of the Legislature for the last, close to 11 years, I have followed very closely debates on agricultural matters, because I feel a certain kinship with the farm communities, being a representative from a northern community, having grown up in Thompson, a community that is dependent very much on international forces. In this particular case, the price of nickel is very important and other northern communities are impacted by situations in terms of the pulp and paper industry.

The bottom line is we are very susceptible to international forces. We share that in common with the agricultural communities. The second thing we share is the boom-and-bust cycle. In the case of agriculture, some will question whether there has been much in the way of a boom cycle in recent years. It has been many years since the farm communities have had generally healthy economic circumstances. So we share that in common because in northern communities we face that very real prospect. The third thing we share in common is the need for diversification. In many ways many rural communities are becoming single-industry communities, in this case, based on the agricultural sector. In some cases, Mr. Acting Speaker, because of the decline in the agricultural sector, you see depopulation in rural communities. You see retirees remaining in the community wherever possible, but you see young people leaving in significant numbers. That has not been that much different from the experience of northern communities.

I graduated from high school, Mr. Acting Speaker, 20 years ago, and 20 years ago within the first year I would say half the graduating class left Thompson. Some are still in Thompson, but many were forced either for an education or for employment to find work elsewhere. That was at a time when Inco was doing relatively well. Today it is that much more difficult for people in terms of leaving the community for jobs. About the only consolation is there are additional opportunities in terms of northern communities. It is the same in terms of rural communities, in terms of the kinds of challenges that they face and the needs in terms of education and other job possibilities, but most fundamentally, the same as it is in the North, to ensure a healthy farm sector, a healthy agricultural sector, Mr. Acting Speaker.

I am very concerned. I have watched the debates over the last 10, 11 years, to see the change that has taken place even in this past decade. I remember the early debates of the Pawley government, and I know other members will remember those debates. In those days, there was The Farm Lands Ownership bill. The concern at that time was for an ownership of farmland. There had been a huge appreciation in the value of farmland, and the government of the day took steps to try and deal with that.

Well, relative to today, that debate appears to have been a major luxury, because today with the farm sector in a depression stage, with land values having plummeted, farmland values, and I know other members of this House can speak far more directly about that—representing communities, in some cases being active farmers—about the decline that has taken place in terms of the price of farmland.

It seems strange that only a few years ago, we had a major controversy in this province over that particular bill. In fact, the bill was held over. There was significant debate. There was great ideological debate on that farm issue of the day. Of course, if we could look back into the 1970s, the debates that took place there in terms of farmland ownership and the policy of the Schreyer government in terms of providing opportunities to young farmers, another major ideological debate, Mr. Acting Speaker.

I look at the situation in 1992, and I see some political differences. I see some differences in terms of the GRIP program, in particular. I know our Agriculture critic, I know the member for Swan River (Ms. Wowchuk), both representing farming constituencies where the agriculture sector is fairly significant, have both, Mr. Acting Speaker, criticized the GRIP program, have raised the concerns of Manitoba farmers. I know that the Minister of Agriculture (Mr. Findlay) has been in a difficult situation as well on the GRIP program, because he knows and I know other rural members know as well, there have been significant concerns about the way the program has been set up and the kind of assistance it is giving the farmers. Many farmers feel that the GRIP program has created as many problems as it has solved, and I note that.

\* (1130)

I think, Mr. Acting Speaker, if you at what has happened and you look at the tone in this debate and you even look at the tone in terms of what is

being discussed in Question Period daily, we no longer have the luxury of those ideological debates of the early 1980s or indeed of the early 1970s, when we could debate about how we were going to keep young farmers, young people farming, whether it was going to be through a land banking programming or other types of assistance or whether we were going to protect farmers from the encroachment of foreign ownership and therefore higher prices which kept young farmers out.

Those were the debates of the early '70s and early '80s. I remember the Minister of Natural Resources' (Mr. Enns) comments. He was very active in those debates, but in 1992, we do not have that luxury anymore. We do not have the luxury of those ideological debates, because what we are dealing with is survival, clear and simple, survival of the agricultural sector in this province. If anyone feels that the answer is going to be in some of those great debates, Mr. Acting Speaker, I really believe they are sadly mistaken. That is the one thing I have noticed most significant, in a way, is that now when we talk about the agricultural sector I think the debate is much more on specific policies rather than ideology.

When the member for Dauphin (Mr. Plohman) asks a question as agricultural critic to the Minister of Agriculture (Mr. Findlay) about the GRIP program, it is based on his concerns about the GRIP program, a very specific program. When he raises concerns about friends in the farm sector in terms of what is happening in terms of farm income, when those debates take place back and forth, Mr. Acting Speaker, the argument is not so much over ideology, it is over interpretation of what exactly is happening out there and what kind of assistance needs to be put in, what the government can best do to work with Manitoba farmers.

That is the way we are proceeding in terms of debate more and more. I mean that is something that should be noted in terms of this particular bill, because we will be passing this bill through to committee, Mr. Acting Speaker, and indeed we have used this bill as an opportunity to address something that is maybe relevant, maybe not relevant, in terms of the context of this bill. In fact, I suppose GRIP and other programs are relevant, because it does deal with the farm income insurance programs in this province, and they are very much affected by the GRIP program and have been adjusted as a result.

But what I am saying, the most relevant thing we can say today on a bill such as this is that we need to work together in this province, all 57 members of the Legislature. We need to work together in terms of not just the agricultural communities but also northern communities and indeed urban members.

As I said before, the member for Burrows (Mr. Martindale), I know, will be addressing this bill on third reading. He feels it is very important to speak out on agricultural issues. That I think is something that we should send a message on today, Mr. Acting Speaker, to the farm community. You know I wish—and I have suggested this over the last number of days—that we could have some different approaches in this province sometime, and perhaps we could look at this in context of roles changes, the way we function as a Legislature.

But I want to give you an example of what I thought was an excellent approach that I think could be applied to this particular type of legislation and this particular type of issue. In 1983, I had the opportunity to travel across the province with the Municipal Affairs committee of the day, and I remember travelling with a number of members sitting today. We went around the province; we talked about assessment reform. It was a lesson, Mr. Acting Speaker, because I learned from that trip around the province with that committee how difficult it was to deal with that area. I do not envy ministers who have had to deal with it. The former Minister of Municipal Affairs I think who really had a difficult bill to deal with—the current minister. It was a very difficult issue.

You know, I would say despite some of the political differences that took place, we learn of the need for assessment reform in the province and we needed to work together. I am saying the same situation could be applied to Agriculture, Mr. Acting Speaker. That is why I am raising this.

The approach of getting all people, all members of this Legislature, the three parties, out of this building, out of some of the less than relevant debates that we are involved in, Mr. Acting Speaker, to get them out into the farm communities, perhaps using the form of a legislative committee, perhaps taking the time—when we do end this session—to get out and talk to people and ask them, because I say to you, Mr. Acting Speaker, I can see when we do finish this session of the Legislature, the paradox, that we will be out there, all three parties, throughout this province. But we will not be looking at the

agricultural situation. We will not be looking at the economic situation in this province. We will be discussing the Constitution.

I would say right now that while the Constitution is important for the future of this country. I know what people think of it in my constituency. They say, surely we have more important priorities, important things that we need to deal with. I am sure if you went to the average rural community today and you asked them what is the most important situation, the agricultural community or the Constitution, there would be very little doubt of what the response would be.

That is what I am saying, Mr. Acting Speaker. Let us take our institutions and let us make them relevant. Let us take our committees out to the people of this province, and let us start with agriculture. Let us start by having a committee struck. We have a Standing Committee on Agriculture. Let us make sure that we have rural and northern representation, in addition to people from the farm community itself, but having people from all over the province.

The bottom line is, I think, it is urgent enough, and I do think there is enough room for common ground on agricultural issues. We will have our differences. We will have our disagreements, but I think it will be a very positive process. That is why I have spoken today on Bill 43, not to criticize the bill. I know it is easy enough in opposition to criticize the government of the day, and indeed there are other bills I will be debating where I will be doing that, because I think they are bills that have significant problems, Mr. Acting Speaker, and there will be some disagreements—

**Mr. Enns:** Her Majesty expects nothing less.

**Mr. Ashton:** Indeed, as the Minister of Natural Resources says Her Majesty expects nothing less. We are indeed Her Majesty's Loyal Opposition.

Mr. Acting Speaker, the key to that in the British parliamentary system is indeed to be an opposition but also to be willing to provide not only the criticisms but the constructive suggestions, the constructive criticisms. In this case, I am not even providing as a criticism in terms of the farm sector. I am making it as a suggestion. I make it to the Deputy Premier (Mr. Downey), I make it to the Minister of Natural Resources (Mr. Enns), the Minister of Highways and Transportation (Mr. Driedger), the former Minister of Municipal Affairs, the member for Ste. Rose, the

Minister of Environment (Mr. Cummings), the government House leader (Mr. Manness), the Minister of Health (Mr. Orchard), a number of rural members who are here today. The member for Gimli (Mr. Helwer), I make the suggestion to him. Let us take our institutions, let us make them relevant again, and I am referring here to our committees struck. Let us make it relevant by getting out to the public and talking about matters that are of concern to them.

The farm situation has to be, if not the No. 1 priority, one of the top priorities in this province. Let us not waste the opportunity when we are out of session. Let us not be going around the province talking just about constitutions and the legal type of questions that are going to be involved with that. Let us talk about the survival of our farm sector. Let us go out have an all-party committee and ask for the wisdom of the people, because I have always found and I find it increasingly—going to my 11th year as a member of the Legislature—that one of the problems, the biggest problems we have in the way we operate is that we listen sometimes, but we never hear. We do not go to committees and really have an open mind. We do not set up our committees to be able to do that. We do not set up our processes.

We need to get out of this building and talk to real people about real problems and ask them for solutions, because I believe they have the experience and the wisdom to be able to come up with significant solutions in this province. The only way we can do that, Mr. Acting Speaker, is by having an all-party approach. So with those few words, we are prepared to pass this bill through committee, and I look forward to further debate on third reading.

**The Acting Speaker (Mr. Laurendeau):** Is the House ready for the question?

The question before the House is second reading of Bill 43. Is it the pleasure of the House to adopt the motion? [Agreed]

### House Business

**Hon. Clayton Manness (Government House Leader):** Mr. Acting Speaker, before I call the next bill, I would like to indicate that Bills 80 and 81, which have passed second reading this morning, I wish to have them considered at the Law Amendments Committee meeting scheduled for Thursday, June 4 at 10 a.m. in Room 254. So those two bills will be added to the list and, similarly, Bill 43 that has just

received second passage will also be added to the Standing Committee of Agriculture. That committee is scheduled for June 4 at 10 a.m., Room 255. So Bill 43 will also be added to that list.

**The Acting Speaker (Mr. Laurendeau):** I thank the honourable House leader for that information. What are your intentions on the next bills?

**Mr. Manness:** Mr. Acting Speaker, would you call Bills 61 and 62.

\* (1140)

### **Bill 61—The Consumer Protection Amendment Act (4)**

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable Minister of Consumer and Corporate Affairs (Mrs. McIntosh), Bill 61 (The Consumer Protection Amendment Act (4); Loi no 4 modifiant la Loi sur la protection du consommateur), standing in the name of the honourable member for Inkster.

**Mr. Kevin Lamoureux (Inkster):** Mr. Acting Speaker, I had again adjourned debate knowing that our critic was wanting to add a few words to this bill before it goes on to committee. Thank you.

**Mr. Gulzar Cheema (The Maples):** Mr. Acting Speaker, I just want to add a few comments to this Bill 61. I want to mention from the beginning, we are supporting this bill because the intent of the bill is basically to share the information from the Consumers' Bureau with the other departments. In the past, the information was shared only at the provincial level, but not within the department level, and I think this bill will correct that mistake. Basically, it will allow more input from the consumers and also protect the consumers in the long run.

So, Mr. Acting Speaker, the flow of information within the department, it is very essential to protect any consumer or any functioning of any government. So I think it is a positive amendment, a housekeeping one, so we will support the amendment and let the bill go to committee stage.

**The Acting Speaker (Mr. Laurendeau):** Is the House ready for the question?

The question before the House is second reading of Bill 61.

**Mr. Steve Ashton (Thompson):** Yes, Mr. Acting Speaker, just a few comments. I just want to indicate that we will have some further comments

on third reading on this particular bill. Our intent is to get it into committee and we can review it at committee stage, but I can indicate that I know our critic will probably be raising a number of comments about this particular bill at the third reading stage. We look forward to those comments then.

**The Acting Speaker (Mr. Laurendeau):** Is the House ready for the question?

The question before the House is second reading of Bill 61. Is it the pleasure of the House to adopt the motion? [Agreed]

### **Bill 62—The Business Practices Amendment Act (2)**

**The Acting Speaker (Mr. Laurendeau):** On the proposed motion of the honourable Minister of Consumer and Corporate Affairs (Mrs. McIntosh), Bill 62 (The Business Practices Amendment Act (2); Loi no 2 modifiant la Loi sur les pratiques commerciales), standing in the name of the honourable member for St. Boniface (Mr. Gaudry). Is there leave for this matter to remain standing? No.

**Mr. Gulzar Cheema (The Maples):** Mr. Acting Speaker, I understand the bill was in the name of the member for St. Boniface, and he wanted me to speak on this bill. So I just want to put some comments.

I want to say that I am very disappointed, because in this bill exactly the government is moving into opposite directions, in opposite direction to my Bill 27. Bill 62 will basically weaken the power of the director of business practices and actually should be strengthened, and I think that is our concern. That is why we brought Bill 27 and that Bill 27 as a private members bill will give more power to make sure that the consumers are protected.

(Mr. Speaker in the Chair)

I want to go back to what happened in 1990. At that time, when this bill was in front of the House, the amendment did not get approval, and both the opposition parties actually wanted to have amendments put in place. So I am really surprised that the minister would bring a bill which will go into the opposite direction.

Mr. Speaker, it is, I think, a matter of common sense. Somebody who is guiding the minister is probably not doing a rightful job here, because you want to strengthen the power of a director who is investigating. You want to give this person more

power so that they can protect the consumers, and rather than strengthening that thing, the minister has gone into the really opposite direction. I would ask the minister probably at the committee stage for some explanation why they have done that.

I would probably understand if the minister is new, but I am sure you know she wanted to bring some positive improvements. I think anything that they want to bring has to protect consumers, and consumers are sometimes, not sometimes, most of the time very vulnerable. They are not knowledgeable. They do not know sometimes what they are buying into, what is happening in regard to many changes, and you want to give them all the opportunity to make sure they are knowledgeable.

One of the ways to improve their knowledge is to give them a method of getting their value for their dollar. If they are being cheated, we have seen in the recent reports of so many scams, if the minister was serious to make sure that the public interest is protected, I would have anticipated at least if not supporting our bill as a private member's bill—I mean, the government may have some difficulty, but if they want to bring their own bill, that should have been done, and I am really disappointed.

Mr. Speaker, the government should be very open, because if they want to have positive ideas from all the Manitobans, they have to be open in terms of getting some suggestions from the opposition.

The same thing really has happened on Bill 73. The Minister of Justice (Mr. McCrae) actually has brought that bill. I read his first reading, and I was disappointed. He never mentioned even once that the bill was already brought as a private member's bill. So I think it is not very positive, because when they want us to say all the good things, they want us to say these things are positive, let us support them. I think they should first have a lesson from some of the ministers. I would ask the minister, when he comes to this House, the Minister of Justice (Mr. McCrae), to read the comment on Bill 16. I think there has to be some kind of justification or at least mentioning that the other parties have brought the bill in as a private member's bill. In fact, the pressure has been put on the government whether that is the only reason they have brought Bill 73.

So I am disappointed, and I am asking the Finance minister to talk to his ministers when he is bringing another which is almost a duplication of

what we have done in a private member's bill. It is really a good thing to mention, at least, that somebody has already done the work. I was disappointed that when I read the Minister of Justice's remarks, not even one line, one word, was said that we have done the same bill as the health care proxy, or living will. I just wanted to mention those words. I think it is very essential that the Minister of Finance (Mr. Manness) should know those things, especially Bill 73.

It is not somebody's own ideas. It is coming from the Manitoba Law Reform Commission, and that has been developed over a number of years. Basically Bill 73 and Bill 16 are almost duplications. There may be a couple of additions, but basically what I am saying is there has to be some more clarity or more openness or more honesty in terms of presenting those views in the readings, because if you expect us to be very positive on some of the things, we expect the same thing. I think it is reasonable to expect those things, because when we are going to go and discuss Bill 73 at the committee stage, I am sure I am going to make those views very well known.

Mr. Speaker, I will just end my remarks saying that we will oppose this Bill 62. The reasons are very clear and very concise. I just want to make sure that if the minister can bring some more explanation and convince us, then we are open to any suggestions. Thank you.

\* (1150)

**Mr. Steve Ashton (Thompson):** Mr. Speaker, I move, seconded by the member for St. Johns (Ms. Wasylcyia-Leis), that debate be adjourned.

**Motion agreed to.**

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**Mr. Speaker:** The honourable government House leader, what are your intentions, sir?

**Hon. Clayton Manness (Government House Leader):** Mr. Speaker, would you call Bill 64, please.

### **Bill 64—The Child and Family Services Amendment Act**

**Mr. Speaker:** On the proposed motion of the honourable Minister of Family Services (Mr. Gilleshammer), Bill 64, 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 Osborne (Mr. Alcock). Is there leave that this matter remain standing? [Agreed]

**Mr. Kevin Lamoureux (Inkster):** Unfortunately, Mr. Speaker, we find that the leader only has the authority to delegate her unlimited time spot—

### Introduction of Guests

**Mr. Speaker:** Order, please. I hesitate to interrupt the honourable member for Inkster, but I would like to draw the attention of all members to the gallery, where we have with us this morning eighteen students from the Crystal City Elementary School in the direction of Larry Hamilton. This school is located in the constituency of the honourable member for Turtle Mountain (Mr. Rose). On behalf of all our members, I welcome you here this morning.

\* \* \*

**Mr. Speaker:** The honourable member for Inkster, to continue with his remarks.

**Mr. Lamoureux:** As I was saying, Mr. Speaker, unfortunately the Leader of the Liberal Party (Mrs. Carstairs) only has the authority to delegate or designate one member from the caucus the ability to have unlimited time on a bill. Unfortunately, as the Minister of Highways (Mr. Driedger) quite accurately points out, it is not me. But the member for Osborne (Mr. Alcock), I am sure, when he does get an opportunity to be able to speak on this bill, that every member inside this Chamber and hopefully the most important member in this respect, the minister responsible for Family Services, will think as my colleague, the member for Osborne, puts a few, some might even suggest many words, on the record in trying to give a strong message, particularly to the minister responsible for this particular bill, that this bill is wrong, that this bill does a disservice to the children of this province.

The minister, Mr. Speaker, has a responsibility, we will argue, to amend the bill. We have caucused this bill fairly extensively and have come to the conclusion that this is a bill that should not pass in its current form. If the minister responsible for this legislation sincerely wants to see all-party support for having a child advocacy group, he needs to sit down and discuss and debate it with the appropriate party caucuses, so that we can see the children of the province being properly looked after.

The minister says, well, that is what we are doing here. That is why I only hope that the Minister of Family Services will be here for all of the words that the member for Osborne (Mr. Alcock) will be having to say about this particular bill. Hopefully he will be listening, not just sitting in his place passing the time as it goes by, and whatever we say as individual MLAs or critics or individuals, who have an interest at bettering this legislation, that he will be listening and receptive to what are—and I know the Minister of Natural Resources (Mr. Enns) is always listening, and I encourage him to tell his colleague to listen as attentively as the Minister of Natural Resources listens.

We only hope that in fact the minister will come around to what we believe is absolutely essential, and that is that this advocacy group report to the Chamber and not to the Minister for Family Services. What the minister has done—

**An Honourable Member:** . . . you were elected for.

**Mr. Lamoureux:** Well, what we have been elected for is to represent the best interests of our constituents. Well, Mr. Speaker, we represent children too, and this minister by putting forward legislation of this nature is not representing the best interests of the children, and that is the problem.

I believe the young people of the province of Manitoba, if they were told what the minister's intentions are, the honourable minister's intentions are, would agree with the Liberal Party that in fact this advocacy group should not be reporting to the minister. Because we have seen governments, this government, other governments, Mr. Speaker, tend to want to cover up, of sorts, different things that have happened in this whole area of debate. That is why it is so absolutely essential that the Child Advocate report directly to this Chamber, so that the political will of a government cannot supersede the best interests of the children of the province. [interjection]

I hope that the Minister of Natural Resources (Mr. Enns) is being sincere when he says I am beginning to convince him, because I like to think of him as an individual who is an excellent debater inside the Conservative cabinet. I hope that he will take our cause, the minister's and my cause on making that Child Advocate report to this Chamber to his cabinet.

**An Honourable Member:** Shoulder to shoulder.

**Mr. Lamoureux:** Shoulder to shoulder, him and I, with some help from some of our colleagues, no doubt, can get the minister responsible to change his mind. Mr. Speaker, we do not even have to move the amendment. We would be quite happy to see the government bring forward an amendment that would be necessary, and we encourage, in fact, the minister to do that.

I can assure the minister that our caucus would pass this bill into committee today if the minister stood up and said that he would make the Child Advocate report to the Chamber as opposed to the minister. Whenever he is willing to make that commitment, Mr. Speaker, we will be more than happy to see this bill go to the committee stage.

\* (1200)

So at any point in time, whether it is myself, whether it is the Leader of our party or the member for Osborne (Mr. Alcock) who is speaking to this particular bill, that the minister has decided that he is going to do what is in the best interests of the children and have the Child Advocate report to this Chamber, we will be more than happy to allow that debate to go to committee and then go into the report stage where we can see the amendment, or even possibly the amendment in the committee stage and then go into third reading and have Royal Assent before we get out of session.

Mr. Speaker, the minister is basing this legislation on what is happening in Ontario and Alberta. That is how he tries to justify what he is doing. He says that because they have it in Ontario, because they have it in Alberta there is no problem, nor is there anything wrong with the province of Manitoba adopting what they have.

Well, Mr. Speaker, there were three major studies that were done in the province of Manitoba. There was the AJI, there was the Kimelman and there was the Suche report. There were recommendations that the Advocate be independent of the department, of the minister, that the Advocate report in fact to the Chamber.

So even though the minister has decided to bring in the legislation in the form that we now have it before us today, based on Alberta and Ontario does not make it right. If we go to the studies that have been made and presented you will find, as I say, recommendations that counter that.

Mr. Speaker, there is a good reason why it counters it. I want to talk about some of the

concerns that have been raised within my own riding. Prior to myself doing that, I want the minister responsible not to look at just what is happening in Alberta and in Ontario and accept that that is the way to go, but rather to accept some responsibility here in Manitoba and be willing to say that we can do a better job in Manitoba than what other provinces are doing. This is the way in which we can do the better job, by having a Child Advocate report to the Chamber. That is the opportunity that the minister has, and I would encourage him to take up that opportunity and to take up that challenge and make that decision instead of trying to push through this Legislature flawed legislation.

Mr. Speaker, I know that everyone in this Chamber supports the children of the province and wants to see our children looked after in the most appropriate way. I know that at least a number of us, and I would suggest possibly even all of the members, have had some contact whether it was with Family Services, whether it was with parents of our constituents, in dealing with some of the problems that are out there with respect to the children. We look in terms of children who are vulnerable and powerless within our own society. We see that children are subject to abuse far too often in our society. Children are victims of poverty.

It does not take very much for us to get an excellent comprehension of that. All we need to do is to go out and walk through virtually every riding in the province of Manitoba where you will see children who are living in poverty, children who are living in abusive homes. Mr. Speaker, I know myself personally have had a number of dealings with children who have been put in very awkward situations.

I wanted to make reference to a few of those cases that I, myself, have had with the idea that I believe that the Child Advocate could play a major role and that the Child Advocate, Mr. Speaker, if given the right responsibilities in terms of reporting to this Chamber as opposed to the minister, would better serve the constituents that I represent. When I talk about the constituents that I represent, I am going to refer to, as I say, some of those cases.

I know where in the past I have had a parent who has given me a call and said that she was having some problems with one of the children, or I should say with her son, the problem was that the son was not attending school on a full-time basis, if you will. I talked to the principal of the school. I talked to

Child and Family Services. I would no doubt possibly, depending on the circumstances, even want to be able to talk to the Child Advocate or have something which I could refer to, to get some sort of a better idea in terms of the seriousness of the problem.

But, in this particular case, the situation was such that the child who was missing school was having a lot of family problems within his home. It was the type of family problems, in this particular case, that were quite abusive. You had situations where there was a question in terms of what the child was doing in terms of smoking, in terms of what some thought was some solvent abuse, in terms of some of the things that were occurring within the home. As a direct result, this particular child was missing a lot of school. Too many individuals, Mr. Speaker, fall into that same sort of a trap where they—I like to think of it as children who are victims as no result of their own—are put in a situation in which their future does not look all that bright. Statistics have demonstrated that to us.

I look in terms of what could have been done in order to try to help, and there were a number of things that came to my mind in terms of preventing this sort of abuse from occurring or at least minimizing that sort of abuse. One of the ways I think it could have some impact is by having, as I say, a Child Advocate that would report to this Chamber on other cases, on situations in which members of this Chamber can solicit responses and answers possibly to some of their own constituency issues so that we can better educate, so that we can become more informed in terms of what are some of the things that we can do as MLAs.

So I see that it is something in which both parties can benefit from, Mr. Speaker.

There are a number of incidences where I have had calls from constituents and Child and Family Services in regard to sexually abused and physically abused children within my riding. Mr. Speaker, I have tried to approach it in an objective manner. I know that, for example, where I have had some constituents come and they have sat down and tried to express their disappointment in what Child and Family Services has done by, in one case, walking into the school, apprehending their child and then not even finding out. They waited and waited. The child did not come home from school. The parents had absolutely no idea in terms of what happened to the child. Later on, they found out that in fact the

child was apprehended. Because of the frustration that they experienced with Child and Family Services, they came to myself and said that this just is not right. How can something of this nature happen?

\* (1210)

Well, Mr. Speaker, one of the things that I have done in the past because I have had, as I say, a few incidences that are very similar, is I tried to explain why it is that Child and Family Services needs to have the power to be able to apprehend. I have always argued that if we were to error, that it is better to error on the safe side, to ensure that the safety of the child that might be making the allegations or the teacher or the peer or the friend who is making what is a very serious allegation, that the safety of the child is what is in the forefront.

That is why even though when a very angry parent will approach myself and try to say to me that The Child and Family Services Act should not allow the apprehension of the children, that is wrong, that we need to allow Child and Family Services to apprehend these children. I will grant, Mr. Speaker, that there are no doubt—and I know that there have been cases in my own riding where Child and Family Services has apprehended someone and at the end of the investigation, the child was returned and it just happened to be, what occurred in this particular case was not substantiated and the matter was resolved.

It took awhile in order to resolve the matter, but the matter was resolved and the child was returned. Even in that particular case and after the child was returned, I then again talked to the parents. The parents were still not yet convinced that the best interest of the child was served by taking the child, or apprehending the child.

It is a very emotional and hard topic or issue to try to convince someone who has had a child apprehended and then returned to be told that we are sorry that the allegations were not substantiated, nor proved, and the child is returned.

I still believe that we have an obligation to tell our constituents the reason why it is necessary, because every one of us knows that, in fact, there are a large number of cases where we do see the apprehension, a good number more than the majority, Mr. Speaker, that are, in fact, substantiated. Those are the ones, if you talk to and you find out that, in fact, there was some abuse

there, that you will find they agree that yes, it was necessary, it was needed.

We need to have the laws that allow Child and Family Services to apprehend those children. They will agree that counselling is one of the things that is necessary in order to prevent that type of abuse from continuing to happen.

There is an onus on society as a whole to report where they believe that child abuse is taking place in one form or another, whatever form it might be, Mr. Speaker. There is an onus for society to report that abuse because no one, especially the children who are victims, the children who cannot speak for themselves or protect themselves—it is very important that we ensure that we do what is necessary to allow for the protection of those children, even if it means having at times to apprehend a child who in fact might be exaggerating the truth. I believe, as I say, that if one is to err, it is better to err on the safe side.

In many of the discussions that I have in dealing with abuse, one of the issues that comes up is, what is abuse. Define or tell me if it is wrong to slap the back end of my child if they have done something wrong. Mr. Speaker, there is a fine line to a certain degree, and there is a lot of gray area. I think that the parent ultimately has a responsibility. I believe that the parent knows what is right and what is wrong.

Mr. Speaker, even those parents whom I referred to, who have said to me that, well, you know, I have not done anything wrong, nothing at all, my child was apprehended. Then the child is returned and they are told that, yes, the allegations were not substantiated. The child is returned and then the parent even gets, in some cases, a bit more upset in terms of the fact that the child was taken away.

But all it takes, Mr. Speaker, is a media report of whatever sort, where you will see ample film footage or stories that point out very clearly how some children are, in fact, abused. I know, I have seen in different media reports, children with scars on their backs from vacuum cleaners, from being whipped with belts, from being put in hot water as a form of punishment and so forth. Well, surely to goodness, the individuals, the parents or the guardians, or the ones who are looking after or punishing the child, knows that is wrong.

Mr. Speaker, if you were to canvass the individuals who have had children apprehended,

and it turned out that those allegations were unsubstantiated, you will find that those parents will then come around to believe that—yes, I, myself, was completely innocent, and it was proven that; yet, my child was still taken from me—in fact that it is necessary, that you need to have Child and Family Services have the power to apprehend the children.

Mr. Speaker, there are many different ways in which we see children being abused in society; hunger is another one. We see the increase of food banks. We see the current government in the legislation that is being posed again by the same minister, where we are seeing the one-tier welfare system implemented, and the impact that particular legislation will have on this legislation because that is a form of an abuse. That is something that, no doubt, the Child Advocate will be addressing, is how children are abused through a lack of nutrition, or what a lack of food does to a family, to the nuclear family in particular.

Mr. Speaker, when you see children going to school and they have not had their breakfast, it puts severe limitations on them. When I go through different areas of my riding, I see ample evidence that there is a need, that there is abuse in the different communities in terms of deprivation of food. In fact, Mr. Speaker, I know one of the things that is being looked at is the establishment of a food bank in one of the older areas of the riding that I represent because of the need for having food on the table.

Mr. Speaker, if you do not have the essentials, if you do not have food on the table for your children, quite often that leads into the violence that we see far too often, far too often. There are many different factors that cause individuals to abuse children and that is one of them. That is why, when we talk about the Child Advocate and whom the Child Advocate reports to, we are limiting the importance and the potential of the Child Advocate by having the Child Advocate report just to the minister.

\* (1220)

One of the concerns is that the government has an opportunity to cover up by having the Child Advocate report to the minister, and that is a very strong argument that can be made, Mr. Speaker. Another aspect that could be put forward, or another argument that could be put forward is that as individual MLAs we are denied an opportunity to be able to have that direct formal contact with the

advocate which we believe we would be able to benefit from.

I know if I were to sit down and the government House leader or the Minister of Finance (Mr. Manness) were to stand up and speak, he would refute what I am saying in terms of access from the MLAs. He would say that we could in fact call. Nothing prevents us from calling the Child Advocate. Nothing prevents us from soliciting information through the Freedom of Information, but the only way I could respond to those types of claims is to suggest to the government that those are limitations, those are very stringent guidelines in terms of what it is that we can get through the Freedom of Information.

That information is controlled from the government in most part. If the government does not necessarily want us to have some sort of information, they can arrange in some form or another that we do not get that information. The telephone calls or the correspondence that we can have with the Child Advocate is not the same as being able to have an atmosphere where the Child Advocate is obligated to come and report to the Chamber as a whole.

Mr. Speaker, no doubt, I have pointed out two reasons as to why it is that a Child Advocate would be better off to be accountable to the Chamber as opposed to the minister, or report to the Chamber as opposed to the minister. There are other reasons, and what is the most important reason—and I would say it should have been the first reason—is that it is in the best interest of the children that the Child Advocate report to the Legislature.

That is, I hope, something that the member for Osborne (Mr. Alcock) will speak to at length. I know that in the discussions I have had with him, Mr. Speaker, that we have very strong reservations—and to the government and the NDP. The member for Osborne will be speaking on the bill, and I am sure that they would like to allow him the opportunity to express all of the concerns that he has on it. [interjection]

To the NDP critic: We will likely begin when the critic is, in part, ready and the government is prepared possibly to even move an amendment. We would like to think that the minister and the government House leader will be able to sit down and possibly agree to some form of an amendment, which no doubt would change many of the speeches

that you will hear. Because I am sure, Mr. Speaker, that a number of us from our caucus, quite possibly all of us, will be wanting to put some words to it. [interjection]

Well, ultimately, if the government persists hard enough, it will go to committee, hopefully. We will do what we can to ensure that it does not go to committee in its present form, because we believe very strongly that we, in fact, need to see amendments. If the minister were to, as I say, bring forward those amendments, then it would pass to committee quite fast. I am sure the member for Osborne would be more than happy to speak to it immediately, and our caucus would allow it to go to committee, no doubt. But let us see the amendment, let us see the indication from the minister.

Again, because unfortunately my time is running out, I wanted to briefly go over the reason why we do not support this bill in its current fashion, and why we feel that it is absolutely essential for the minister responsible to rethink his position, and that is, of course, Mr. Speaker, that we feel that it is in the children's best interest, we feel that it is in this Legislature's best interest, and we feel that it is in the interest of all those who are concerned, and particularly, for every individual MLA inside this Chamber to have that sort of a communication with the Child Advocate that would allow the opportunity to hear the Child Advocate report directly to this Chamber, because we have debated resolutions, both government and opposition resolutions in the past dealing with abuse, dealing with domestic abuse, dealing with senior abuse, dealing with children abuse.

Time after time, everyone in this Chamber, maybe they have not stood up to speak in support but have indicated through their caucuses that they support any effort to combat, to do what is necessary in order to prevent that abuse from taking place, wherever possible.

Well, Mr. Speaker, if in fact all of us were being as sincere as we like to portray that we were, then the minister will change the legislation, the minister will not do what is happening in Alberta and in Ontario where they report to the minister, the minister will not be scared or intimidated to relax and to allow this bill to go through in its present form, this minister will do not only what the Liberal Party is suggesting it do, but what the AJI, the Kimelman and

the Suche report have recommended to this government.

Mr. Speaker, there are reports that are out there that are saying to the minister that he has a responsibility to have the Child Advocate report to the Legislature, not to the minister.

The minister will try and try to explain to us why it is so very important that this Child Advocate reports to his department. It does not matter how the minister tries to justify it because all of the empirical evidence that we have before us tells us you do not only have to listen to what the Liberal Party is saying, you can listen to what the public is saying.

The public, Mr. Speaker, is telling us that this particular minister has to have a Child Advocate report to this Chamber—[interjection] and to the official opposition critic, it will go to the committee when we are prepared to allow it to go to committee, when our members have had the opportunity to speak to it. She should have been here when our former colleague, Mr. Cowan, did not want it.

**Mr. Speaker:** Order, please. The honourable member's time has expired.

The hour being 12:30, this House is now adjourned and stands adjourned until 1:30 p.m., Monday.

# Legislative Assembly of Manitoba

Friday, May 29, 1992

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