



First Session - Thirty-Seventh Legislature

of the

Legislative Assembly of Manitoba

**DEBATES
and
PROCEEDINGS**

**Official Report
(Hansard)**

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The Honourable George Hickey
Speaker*



MANITOBA LEGISLATIVE ASSEMBLY
Thirty-Seventh Legislature

Member	Constituency	Political Affiliation
AGLUGUB, Cris	The Maples	N.D.P.
ALLAN, Nancy	St. Vital	N.D.P.
ASHTON, Steve, Hon.	Thompson	N.D.P.
ASPER, Linda	Riel	N.D.P.
BARRETT, Becky, Hon.	Inkster	N.D.P.
CALDWELL, Drew, Hon.	Brandon East	N.D.P.
CERILLI, Marianne	Radisson	N.D.P.
CHOMIAK, Dave, Hon.	Kildonan	N.D.P.
CUMMINGS, Glen	Ste. Rose	P.C.
DACQUAY, Louise	Seine River	P.C.
DERKACH, Leonard	Russell	P.C.
DEWAR, Gregory	Selkirk	N.D.P.
DOER, Gary, Hon.	Concordia	N.D.P.
DRIEDGER, Myrna	Charleswood	P.C.
DYCK, Peter	Pembina	P.C.
ENNS, Harry	Lakeside	P.C.
FAURSCHOU, David	Portage la Prairie	P.C.
FILMON, Gary	Tuxedo	P.C.
FRIESEN, Jean, Hon.	Wolseley	N.D.P.
GERRARD, Jon, Hon.	River Heights	N.D.P.
GILLESHAMMER, Harold	Minnedosa	P.C.
HELWER, Edward	Gimli	P.C.
HICKES, George	Point Douglas	N.D.P.
JENNISSEN, Gerard	Flin Flon	N.D.P.
KORZENIOWSKI, Bonnie	St. James	N.D.P.
LATHLIN, Oscar, Hon.	The Pas	N.D.P.
LAURENDEAU, Marcel	St. Norbert	P.C.
LEMIEUX, Ron, Hon.	La Verendrye	N.D.P.
LOEWEN, John	Fort Whyte	P.C.
MACKINTOSH, Gord, Hon.	St. Johns	N.D.P.
MAGUIRE, Larry	Arthur-Virden	P.C.
MALOWAY, Jim	Elmwood	N.D.P.
MARTINDALE, Doug	Burrows	N.D.P.
McGIFFORD, Diane, Hon.	Lord Roberts	N.D.P.
MIHYCHUK, MaryAnn, Hon.	Minto	N.D.P.
MITCHELSON, Bonnie	River East	P.C.
NEVAKSHONOFF, Tom	Interlake	N.D.P.
PENNER, Jack	Emerson	P.C.
PENNER, Jim	Steinbach	P.C.
PITURA, Frank	Morris	P.C.
PRAZNIK, Darren	Lac du Bonnet	P.C.
REID, Daryl	Transcona	N.D.P.
REIMER, Jack	Southdale	P.C.
ROBINSON, Eric, Hon.	Rupertsland	N.D.P.
ROCAN, Denis	Carman	P.C.
RONDEAU, Jim	Assiniboia	N.D.P.
SALE, Tim, Hon.	Fort Rouge	N.D.P.
SANTOS, Conrad	Wellington	N.D.P.
SCHELLENBERG, Harry	Rossmere	N.D.P.
SCHULER, Ron	Springfield	P.C.
SELINGER, Greg, Hon.	St. Boniface	N.D.P.
SMITH, Joy	Fort Garry	P.C.
SMITH, Scott	Brandon West	N.D.P.
STEFANSON, Eric	Kirkfield Park	P.C.
STRUTHERS, Stan	Dauphin-Roblin	N.D.P.
TWEED, Mervin	Turtle Mountain	P.C.
WOWCHUK, Rosann, Hon.	Swan River	N.D.P.

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, August 16, 2000

The House met at 1:30 p.m.

PRAYERS

ROUTINE PROCEEDINGS

PRESENTING PETITIONS

Bill 12—The Public Schools Amendment Act

Mr. David Faurichou (Portage la Prairie): Mr. Speaker, I beg to present the petition of Colleen Alder, Lillian Hiebert, Helen McCormick and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training (Mr. Caldwell) withdraw Bill 12, The Public Schools Amendment Act.

Mrs. Joy Smith (Fort Garry): I beg to present the petition of Dan Stasiuk, Elsie Stasiuk, Joan Franks and others praying that the Legislative Assembly of Manitoba request that the Minister of Education withdraw Bill 12, The Public Schools Amendment Act.

Mrs. Myrna Driedger (Charleswood): I beg to present the petition of Yvonne Martin, H. Barber, M. Barber and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Peter Dyck (Pembina): I beg to present the petition of Herman Bueckert, Helena Elias, Marge Elias and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Ron Schuler (Springfield): I beg to present the petition of Marilyn Panchuk, Anne Faykes, Elizabeth Peters and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Harry Enns (Lakeside): I beg to present the petition of Lois Isaacs, Lee Isaacs, Lynda Froese and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. John Loewen (Fort Whyte): I beg to present the petition of Roman Burrton, Grace Wiebe, Viola Wilson and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Jack Reimer (Southdale): I beg to present the petition of Adolph Judt, Helga Judt, Andrew Schoubye and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Denis Rocan (Carman): I beg to present the petition of Linda Wilton, Doug Wilton, Leonard Bergsma and others praying that the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

READING AND RECEIVING PETITIONS

Bill 12—The Public School Amendment Act

Mr. Speaker: The Honourable Member for Pembina (Mr. Dyck), I have reviewed the petition and it complies with the rules and practices of the House. Is it the will of the House to have the petition read? *[Agreed]*

Would the Clerk please read.

Madam Clerk (Patricia Chaychuk): To the Legislature of the Province of Manitoba

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

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

THAT the home-school organizations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-school families; and

THAT new policies and regulations have already come into existence with the apparent anticipation of Bill 12 being passed, which home educators find to be intrusive and intimidating in nature and which potentially reduces the freedoms of home-school parents; and

THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

* (13:35)

Mr. Speaker: The Honourable Member for Southdale (Mr. Reimer), I have reviewed the petition and it complies with the rules and practices of the House. Is it the will of the House to have the petition read? *[Agreed]*

Will the Clerk please read.

Madam Clerk: To the Legislature of the Province of Manitoba

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

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

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WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Speaker: The Honourable Member for Morris (Mr. Pitura), I have reviewed the petition and it complies with the rules and practices of the House. Is it the will of the House to have the petition read? *[Agreed]*

The Clerk please read.

Madam Clerk: To the Legislature of the Province of Manitoba

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

THAT home education is a viable alternative to public education; and

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WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Speaker: The Honourable Member for Fort Garry (Mrs. Smith), I have reviewed the petition and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

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

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

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THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Speaker: The Honourable Member for Carman (Mr. Rocan), I have reviewed the petition and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

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

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

THAT the home-school organizations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-school families; and

THAT new policies and regulations have already come into existence with the apparent anticipation of Bill 12 being passed, which home educators find to be intrusive and intimidating in nature and which potentially reduces the freedoms of home-school parents; and

THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education

and Training withdraw Bill 12, The Public Schools Amendment Act.

* (13:40)

Mr. Jack Penner (Emerson): I would ask the Assembly for leave to present a petition on behalf of the Member for Gimli (Mr. Helwer). *[Agreed]*

Mr. Speaker: I have reviewed the petition and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

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

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

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WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Speaker: The Honourable Member for Fort Whyte (Mr. Loewen), I have reviewed the petition and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

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

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

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WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Speaker: The Honourable Member for Springfield (Mr. Schuler), I have reviewed the petition and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

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

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

THAT the home-school organizations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-school families; and

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THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Speaker: The Honourable Member for Charleswood (Mrs. Driedger), I have reviewed the petition and it complies with the rules and practices of the House. Is it the will of the House to have the petition read?

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

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

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

THAT the convictions of parents/guardians are not recognized and openly supported; and

THAT the home-school organizations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-school families; and

THAT new policies and regulations have already come into existence with the apparent anticipation of Bill 12 being passed, which home educators find to be intrusive and intimidating in nature and which potentially reduces the freedoms of home-school parents; and

THAT Bill 12 fails to provide a mechanism of appeal for home-school families other than the courts.

WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

Mr. Speaker: The Honourable Member for Seine River (Mrs. Dacquay), I have reviewed the petition and it complies with the rules and practices of the House. Is it the will of the House to have the petition read? *[Agreed]*

Will the Clerk please read.

Madam Clerk: To the Legislature of the Province of Manitoba

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

THAT home education is a viable alternative to public education; and

THAT Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the family; and

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WHEREFORE YOUR PETITIONERS HUMBLY PRAY THAT the Legislative Assembly of Manitoba request that the Minister of Education and Training withdraw Bill 12, The Public Schools Amendment Act.

TABLING OF REPORTS

Hon. Gord Mackintosh (Minister of Justice and Attorney General): Mr. Speaker, I am pleased to table the 1999-2000 Annual Report of Civil Legal Services.

Introduction of Guests

Mr. Speaker: Prior to Oral Questions, I would like to draw the attention of all honourable members to the gallery where we have with us today a group representing the home schoolers of Manitoba. This group is a guest of the Honourable Member for Fort Garry (Mrs. Smith).

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

ORAL QUESTION PERIOD

Labour Relations Act Amendments—Committee Process

Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition): Mr. Speaker, this Premier and his ministers seem to have all the answers on what is good for business in Manitoba, but they have not been able to find one business that agrees with them. The only

people who seem to agree with this Premier and his ministers are the union bosses that obviously helped him develop this government's hidden agenda behind closed doors, the union bosses that have never taken a risk, never created a job or never had to meet a payroll. The Premier has made—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mrs. Mitchelson: Thank you, Mr. Speaker. The Premier has said many, many times that he just wanted this bill to move to committee so that he would have the opportunity to listen and to hear what all Manitobans had to say. But last night we saw the Minister and the Committee gag Manitobans by moving closure—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mrs. Mitchelson: Mr. Speaker, we saw at committee last night the members of the Committee and the Minister of Labour (Ms. Barrett) shut down presentations on Bill 44, move closure.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

* (13:45)

Mrs. Mitchelson: Thank you, Mr. Speaker. My very direct question to the Premier is: Did he direct his ministers and the Committee to shut down debate and shut down Manitobans?

Hon. Gary Doer (Premier): Mr. Speaker, one can wonder why members opposite would suggest, when they still have the right to ask questions and discuss the Bill before the Legislature, why they say that we are shutting down debate. I think members opposite are perfectly capable of debating this bill, and so are members on this side.

As I understand it, over 60 presentations were made. There were some briefs in favour of the proposals, and there were some briefs

opposed to it. Certainly, as the Member has suggested in part of her preamble to the question, we are listening to Manitobans, and the Minister is certainly very cognizant of the suggestions.

I would point out that in the debate last night—and it almost mirrored in an opposite way the debate on Bill 26 a few years ago—but there was one independent, there were a couple of independent people at the Committee that were presenting views, and I would quote from the presentation of the Manitoba Oblate Justice and Peace Committee: To many observers it seems quite amazing that a few relatively minor changes in the labour code could stir up such passionate and vociferous debate on both sides of the question. They go on to conclude: the minimal amendments to The Labour Relations Act as proposed in Bill 44 appear to us to be no more than a very small step in achieving the Christian vision of an economy where the dignity of the least powerful participants is given the highest priority.

That is a very excellent presentation.

Mrs. Mitchelson: Mr. Speaker, I would agree with the Premier (Mr. Doer) that some presenters that were heard were in support of the legislation and some presenters that were heard were opposed to the legislation, but the key point here is that some presenters were never heard as a result of this government's action.

Labour Legislation Government Agenda

Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition): Mr. Speaker, it is quite clear and quite evident that the only election promise that this Premier has fulfilled is one that he did not tell the public about, and that was the one where he made the secret deals behind closed doors with the union bosses with the introduction of Bill 44. Today, in the *Free Press*, this is what is said about the Premier's labour law changes: "They suddenly appeared on the public agenda in July through a backdoor procedure, out of public view." And I go on to quote: "The exercise seems to show that this government is controlled by unseen forces and that there is no knowing what they will do next."

We know what the unseen forces are. They are the union bosses who are driving this government's agenda and telling this government what should become law, especially with labour law.

My question to the Premier is: What is he going to spring on the people of Manitoba next? What is the next plank in his hidden agenda going to be?

Hon. Gary Doer (Premier): Members opposite will know that it is not in the "backrooms of Manitoba" but in this Legislature where we voted against Bill 26 in 1996, Mr. Speaker, right out in the open, and if people were not following those decisions, that is regrettable.

Mr. Speaker, I want to say to the members opposite that we will continue to keep our five commitments in terms of improving health care. Our Minister of Health (Mr. Chomiak) has done more to improve the health care system in 11 months than the members opposite did in 11 years, and I hope to have hundreds and hundreds of new student nurses in place shortly, consistent with our promise. Instead of firing nurses, we are going to train new young people for our hospitals and for our communities.

* (13:50)

We are going to lower tuition fees as we promised and provide young people more hope to go to universities, Mr. Speaker. That is a promise made and that will be a promise kept. We are proceeding to double the number of community college spots so that well-trained, educated people can take the new skilled jobs of the new economy. That is another promise we made in the election campaign.

Mr. Speaker, we have just now received the property tax reductions through the property tax credits, another promise we made. We balanced the budget, and we went beyond that by introducing income tax reductions for families. That is another promise we made and we are keeping.

We have just made a new partnership with the day-care operators of Manitoba; and on behalf of families and kids, Mr. Speaker, we

have new investments in child care and day care in Manitoba, something that has been applauded by the Child Care Association. Eleven years of neglect, 11 months of progress with child cares in Manitoba.

I am pleased that an independent—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Doer: Mr. Speaker, in terms of, again, the Oblate Justice and Peace Committee, I would ask members opposite to reflect that: This Bill 44 appears to us to be no more than a small step in achieving the Christian vision of an economy where the dignity of the least powerful participants is given the highest priority.

Reflect on those words.

Labour Relations Act Amendments—Committee Process

Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition): Mr. Speaker, but with all that rhetoric, all Manitobans have seen in the last 10 months is this government in the back pockets of the union bosses.

Again, today, we saw in the news media a story that covered the closure that this government placed on Manitobans last night at committee.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mrs. Mitchelson: Thank you, Mr. Speaker. The Minister of Labour (Ms. Barrett) tried to justify what she did, invoking closure, by saying that it is very uncommon for legislative committees to sit more than three times. Obviously, the Minister of Labour was not telling the truth when she made those comments.

* (13:55)

I ask the Premier now whether he would call his minister to task and ask her to apologize to

Manitobans for putting untruthful, unfactual information on the record?

Mr. Speaker: Order. I would just like to remind the Honourable Interim Leader of the Official Opposition, "not telling the truth" is out of order when making reference directly to a member. I would ask the Honourable Member to please withdraw those words.

Mrs. Mitchelson: Thank you very much, Mr. Speaker. If I said anything that was unparliamentary, I would like to unequivocally withdraw it.

But I would like to ask the question on why the Minister of Labour—maybe I should ask directly to the Minister of Labour: Why in fact did she put wrong information on the record to try to justify her attempt and her success in moving closure on the legislative process at committee last evening?

Mr. Speaker: Order. I thank the Honourable Interim Leader of the Official Opposition for withdrawing the comments.

Hon. Gary Doer (Premier): Mr. Speaker, there is no question that the Committee had three separate hearings, that people were notified well in advance of the Committee hearings of the opportunity to present. As I understand it, even last evening members on the list were being called again by the Clerk's office. Well over 60 of the presenters presented. A number of others presented in writing to the Committee. As I recall, even in places like the Meech Lake Constitutional Task Force report, that is a very high number of people that sign up and present either verbally or in writing to the Committee.

Mr. Speaker, the members opposite are using and misusing the term "invoke closure." The members opposite know that there is a parliamentary term for invoking closure that was not utilized by this side of the House. It is one thing to say that the Committee meetings went late and early into the morning, which is fair criticism, but it is another thing to invent terms that do not exist. In terms of the honesty of the issue, I think it is important, when the members' staff phone the media at night and say we are

invoking closure when we are not. I think members opposite should apologize.

Mr. Speaker, in dealing with the Bill, again from a professor of industrial relations, Mr. Godard from the school of business at the University of Manitoba, he very eloquently articulates the argument that these are "very minor changes to The Labour Relations Act." He also says that Manitoba, in his view, would be well served by the attempts to amend the Act as proposed in Bill 44, and he is a person who has studied this issue on behalf of the Faculty of Management. He goes on to look at some of the hysteria that has been utilized by members opposite, and one would note that in six provinces, or if a federal jurisdiction, there is the issue of certification in the areas of other jurisdictions. Notably British labour, the New Labour has brought in similar proposals in the U.K. at 50 percent plus 1.

We believe the economy is improving; it has been improving. But we also believe, we fundamentally believe, to quote the former term of John F. Kennedy, that a rising tide should raise all ships. We believe that the economy has enough room for employers to invest and make profits and for working people and their families to have hope, opportunity and increased disposable income so their children can stay in Manitoba and in turn raise families in our great province. That is what we believe in.

Labour Relations Act Amendments—Committee Process

Mr. Ron Schuler (Springfield): Mr. Speaker, in less than two months we have seen the NDP create a rift between labour and business. Bill 44 deliberately provokes business against labour and labour against business, and invoking closure was certainly not the solution. What kind of a climate was expected with the introduction of Bill 44? The Minister knew the three most controversial issues split the LMRC, and she must have known that they would also divide Manitobans, or was that her ultimate goal?

* (14:00)

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, I am responding, as

House Leader, to the horribly misleading statements by members opposite.

Mr. Speaker: Order. Is the Honourable Government House Leader up on a point of order?

An Honourable Member: I am responding to the question, Mr. Speaker. In the question—

Mr. Speaker: Order. For my clarification, is the Honourable Government House Leader, Attorney General, up on a point of order or is the Honourable Minister up to answer the question?

An Honourable Member: Answer the question.

Mr. Speaker: To answer the question.

Mr. Mackintosh: Mr. Speaker, in answer to the question, and as House Leader, I just have to express my profound regret at the horribly misleading statements by the Interim Leader of the Opposition and the Member who just rose, and there may be some opposite who have a tongue in cheek when they said there is an invocation of closure. There may be some others that are not familiar with the rules, and perhaps the Member for Springfield (Mr. Schuler) is one of them. But what is—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The Honourable Opposition House Leader, on a point of order.

Point of Order

Mr. Marcel Laurendeau (Opposition House Leader): Mr. Speaker, *Beauchesne's* 417: "Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate."

The Honourable House Leader knows very well that, when the Member was posing the question to the Minister of Labour (Ms. Barrett), it was in accordance with what was happening last night. Now the Minister might not call that closure, but the motion was moved that no one else would be heard after last night's committee hearings. In our books, that is closure. I do not care where he looks.

Mr. Speaker: The Honourable Government House Leader, on the same point of order.

Mr. Mackintosh: There was no point of order, Mr. Speaker. That was simply a debate on the facts, and that is what this is all about in Question Period, if you would allow me to answer the question now.

Mr. Speaker: The point of order raised by the Honourable Official Opposition House Leader, I would have to say he does not have a point of order. It is a dispute over the facts.

* * *

Mr. Speaker: The Honourable Attorney General to conclude his remarks.

Mr. Mackintosh: Mr. Speaker, what happened last night was the opposite of closure. There are members opposite who know full well what—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Mackintosh: Here is some gagging, Mr. Speaker, from the members opposite.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Mr. Mackintosh: Mr. Speaker, I refer members opposite, if they want to know about closure, they know full well Rule 46 which shuts down debate at 2 a.m. in this Legislature. What happened last night was the enabling and facilitation of every single speaker who came from the public last night to speak, to complete their remarks, not in 10 minutes as the Opposition did when they were in government, but in 15 minutes. Every person who showed up was enabled to speak, and we did not send them home at twelve o'clock with them waiting five and a half hours. Last night was the essence of democracy, sitting till 5:20 a.m.

Mr. Schuler: Mr. Speaker, the Government could have called the Committee again for this morning.

Labour Legislation Impact on Labour Relations

Mr. Ron Schuler (Springfield): My question to the Minister of Labour or whoever is willing to answer: Is the reason the NDP did not campaign on any of these changes and did not present them to the economic summit was because they knew it would destroy relations between business and labour?

Hon. Becky Barrett (Minister of Labour): Mr. Speaker, as we have said since discussion on Bill 44 began, we expect Bill 44 to provide for a better labour relations climate in the province of Manitoba, to provide for a fairer, more balanced approach—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Ms. Barrett: Thank you, Mr. Speaker. We expect Bill 44 to lead to a more balanced, progressive Labour Relations Act in the province of Manitoba and will provide avenues for fair, open negotiations, fair and open ability of workers to determine whether they wish to join a union or not, fair or open access to the ability to arbitrate, to have grievances dealt with in an expeditious, fair manner. We expect that Bill 44, as it is finally brought forward in the Legislature and finally passed in the Legislature, will enhance the labour relations climate in the province of Manitoba.

Mr. Schuler: Mr. Speaker, can the Minister of Labour tell Manitobans what is next? Can we expect her to introduce final offer selection, anti-scab legislation, and completely destroy any relationship between business and labour in Manitoba, which was also clearly her goal?

Ms. Barrett: Mr. Speaker, I would like to quote from Professor John Godard, Professor of Industrial Relations at the I. H. Asper School of Business at the University of Manitoba, who made a presentation last night, actually early this morning, to the Committee on Bill 44. He states: The negative reaction to these two proposals—and by these "two proposals" he means the return of automatic certification with 65 percent, a card signed and the alternate dispute resolution

mechanism. He states: The negative reaction to these proposals is not surprising. In the current labour relations climate, many in business have come to view unions as anathema to their competitiveness and survival. Much of their concern may be misplaced and counter-productive.

Here is a well-respected professor at the business school at the University of Manitoba who says, in effect, that the implementation of Bill 44 will lead to a better labour relations climate in the province of Manitoba. Business does not have anything to fear from this legislation.

Labour Relations Act Amendments—Committee Process

Mr. John Loewen (Fort Whyte): Mr. Speaker, the Minister of Labour (Ms. Barrett) knows that Mr. Godard asked her last night to pull the Bill back and possibly look at having a royal commission to do it right. She knows that is what he said last night. She is just not referring to that in the House.

* (14:10)

Last November, it was reported that this new provincial administration had arrived in office in time to harvest the fruits of 12 years of Conservative administration. Taxes were lowered 72 times; budgets were balanced; record numbers of people were employed.

Mr. Speaker, last night the Minister of Industry (Ms. Mihychuk) voted to tell the business community that they had the option of presenting between 12 and 5:30, or not presenting at all. I would like to ask this minister: Why is this minister, instead of harvesting the 12 years of effort, allowing it to rot and fall to the ground?

Hon. Becky Barrett (Minister of Labour): Mr. Speaker, the Member, in his preamble, is selective in his references to the harvest of the last 12 years in the province of Manitoba. I would refer specifically to the largest deficit in the history of the province of Manitoba, three quarters of a billion dollars in 1993 and '94. I would reference the fact that the Government ran

in 1995 on a promise not to sell the telephone system. They immediately, after the election, sold the telephone system, which gave huge profits to a very small number of people, which enabled them to appear to have a balanced budget, and the Provincial Auditor has had words to say on that.

Mr. Speaker, I will only refer yet again to the Interlake in 1995, the Interlake in 1999, and the Monnin inquiry who said he had never seen a bigger bunch of liars.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. The Honourable Official Opposition House Leader, on a point of order.

Point of Order

Mr. Marcel Laurendeau (Opposition House Leader): On a point of order, Mr. Speaker. I just wanted to point out to the Minister that she did forget to point out that in the Monnin inquiry report there was only one elected official that was named, that was the Minister of Family Services.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order. May I remind all honourable members that a point of order is a very serious matter and should be heard in silence.

The Honourable Government House Leader, on the same point of order.

Hon. Gord Mackintosh (Government House Leader): On the same point of order. Clearly, that was not a point of order, Mr. Speaker. That really was an abuse of the right of individual members to stand up, draw attention to departures from the rules of proceedings. That was simply an argument.

Mr. Speaker: On the point of order raised by the Honourable Official Opposition House Leader, he does not have a point of order. It is a dispute over the facts.

Amendments—Impact on Business

Mr. John Loewen (Fort Whyte): Mr. Speaker, when is this Minister of Industry and Trade going to represent business? She remained silent

when Manitoba became the highest tax haven in all of Canada. She remained silent when her government secretly planned to change the labour laws to hurt business. She remained silent when 185 000 businesses condemned Bill 44. She remained silent when business after business spoke of suspending expansions, and she remained silent last night when business advised her of the damage that Bill 44 will do the provincial economy.

When is this minister going to stand up and represent business in Manitoba?

Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines): Mr. Speaker, it was really my pleasure to sit in committee last night and hear from presenters, both from the business community, from the union community and from the private sector, from private citizens as well as other organizations, as the First Minister mentioned, the Oblates and academics who study business labour relations across the world.

You know, it is an opportunity to hear both sides and to understand some of the things that have been happening in terms of labour relations in Manitoba over the last decade. I do not think anyone in our committee could not feel for the workers that were fired because they tried to organize a workplace, the unbelievable situations that we heard. It is true that abuses occur both by the employer side and the employee side, and it is important and a responsibility of government to try and make the process fairer.

Mr. Speaker, I was proud to be involved in a process that had over 80 people, individuals and organizations, who had registered to come and be heard. A fairly small number, approximately a dozen, did not present. That is a common occurrence at a lot of committees. But our committee stayed to hear every single presenter last night, something we can be proud of.

Amendments—Committee Process

Mr. John Loewen (Fort Whyte): Mr. Speaker, I would ask this minister if she is proud of the fact that last night she told people and she voted with her side of the House to tell people that if

they could not stay past twelve o'clock, they would not be heard. Is she proud of that?

Hon. MaryAnn Mihychuk (Minister of Industry, Trade and Mines): Mr. Speaker, I think that it is important to remember that there is a negotiation process that occurs between House Leaders. I understand that that occurred in this process. The NDP caucus presented four days, and the Tories were negotiating for two. In fact, the compromise was three sittings.

* (14:20)

Point of Order

Mr. Marcel Laurendeau (Opposition House Leader): This might be a dispute over the facts in your books, Mr. Speaker, but I would ask you if you could check with the Minister and have her check with the House Leader and make sure she is using the right information.

Mr. Speaker: Order. The Honourable Minister of Industry, Trade and Mines, on the same point of order.

Ms. Mihychuk: I want to apologize. I was misinformed about the negotiations, and I do not want the record to reflect any inaccuracies. I apologize for that. I would like to answer the question.

Mr. Speaker: Order. On the point of order raised by the Honourable Official Opposition House Leader—

An Honourable Member: On the same point of order.

Mr. Speaker: I will recognize the Honourable Member for Fort Whyte if he has new information on the same point of order.

Mr. Loewen: Mr. Speaker, I believe I do have new information on the same point of order. The new information is that last night in committee none of this negotiation took place. What happened was that members opposite presented a motion to put into effect the fact that they would not be willing to close the Committee at twelve o'clock. In fact, people would have to stay till five in the morning to be heard—

Mr. Speaker: Order. Points of order should not turn into debates. Points of order are to point out the breaking of rules.

The Honourable Government House Leader with new information? The Honourable Government House Leader on the same point of order.

Hon. Gord Mackintosh (Government House Leader): I think it is well known to members that the procedures in committee last night are long-standing—mind you, an eccentric part of democracy in Manitoba. As late as a couple of weeks ago in Bill 42 and Bill 26 where The Labour Relations Act amendments were put forward by the Opposition, indeed, they went right through way past midnight, and there were some 50 presentations lined up.

Mr. Speaker: Order. This point of order is turning into debate. I am going to make a ruling on the point of order raised. The Honourable Minister of Industry, Trade and Mines has apologized, and I think that should take care of the matter.

* * *

Mr. Speaker: The Honourable Minister of Industry, Trade and Mines to conclude her answer.

Ms. Mihychuk: Thank you. I would like to discuss a little bit about the process last night. I understand that individuals on the list were called three separate times by the office of the Clerk, individually on Monday, Tuesday morning and Tuesday evening, and the fact is that the Committee was given two days' notice. In fact, another unusual activity occurred where we included every single written presentation in full in Hansard, something that is unprecedented, so that everyone's presentation would be recorded in the important debate that Manitobans are in. We have had 19 hours of hearings—

Mr. Speaker: Order. The Honourable Official Opposition House Leader, on a point of order.

Point of Order

Mr. Laurendeau: On a point of order, Mr. Speaker. Let me guarantee this minister, I have spent many more hours than she has on committee in this House, and that is a guarantee. You can check the record.

I have been chairing committees for 10 years, and we have tabled a lot more of the statements than she is putting on the record today. We have never refused at committee to take any presentation that has been written at any committee in our time in office. So for this minister to stand up and say that she set a precedent is foolish.

Mr. Speaker: Order. I would just like to remind all honourable members, the purpose of points of order. A point of order is to be used to draw to the Speaker's attention any departure from the rules or practices of the House.

On the point of order raised, I would have to rule that the Honourable Official Opposition House Leader does not have a point of order.

Labour Relations Act Amendments—Committee Process

Mr. Leonard Derkach (Russell): Mr. Speaker, it is very clear to everyone, I think, in this province that the Premier (Mr. Doer) of this province says one thing and does another. In this House in Question Period and in interviews in the media, this Premier has stated that he wanted to get Bill 44 into committee to allow Manitobans to have their voices heard, and he wanted to hear Manitobans. When we got into committee, the Premier shut them down and invoked closure.

In today's edition of the *Winnipeg Free Press*, the newspaper indicates that the Minister of Labour said: "It is uncommon for any legislative standing committee to sit more than three times." I would like to ask the Minister of Labour if she stands by the comments that "it is uncommon for any legislative standing committee to sit more than three times"?

Hon. Becky Barrett (Minister of Labour): Mr. Speaker, what I stated to the *Free Press* was that it was uncommon, and my recollection is that there were two other bills where this happened. When you begin the process, a negotiated process where you have more than one sitting day put in place at the beginning of the process, that was what was uncommon in my comments, not uncommon in my comments, that is what I meant by the statement. I believe the statement that I made to the *Free Press* that there were three, instead of one, committee hearings being established—then you move on after you have completed one day, but no one knows ahead of time if there will be or when a second hearing will take place or a third.

In this instance, there was agreement by the House Leaders that we would have three established sitting days. The announcement, when it was made by the Government House Leader, said three specific times, and that was what I was stating in the *Free Press* was unusual. So people knew ahead of time that there were three specific times for hearings to be held on this bill.

Mr. Derkach: Mr. Speaker, the Minister is not answering the question that I asked. I quoted what she had said in the paper, and I will do it again. She said: "It is uncommon for any legislative standing committee to sit more than three times." Does the Minister stand by her comments?

Ms. Barrett: Mr. Speaker, in my first answer to the Member for Russell, I stated what I had said to the *Free Press*, which was that it was uncommon to have established ahead of time—members know that not always what is reported is what was said. What I said—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Ms. Barrett: Mr. Speaker, the comments that I made—because I have sat in committees for 10 years in this House, and I understand that many times we start, most of the time in committees we start with an announcement that has been agreed upon by the House Leaders to have one

sitting announced, and the Clerk's office then calls—

Mr. Speaker: Order.

Mr. Derkach: Unfortunately, this minister squirms and tries to twist what she said in the paper. I want to ask her one more time, Mr. Speaker, because this is a quote in the paper, and I do not know whether it is the paper that is not quoting her correctly, and if it is, I want her to state that. In the paper it is very clear that she made a quotation, and I will repeat it to her again: "It is uncommon for any legislative standing committee to sit more than three times." Does she agree with that, and are those her words?

* (14:30)

Ms. Barrett: Mr. Speaker, what I said was that it was uncommon for there, in effect, to have been an agreement reached that there would be, in this case, three specifically stated times that the Committee would sit. Those specifically stated times were called, people who had made presentations—and this is what I also said to the media, that each time, before each of the three presentation times that had been agreed upon by the House Leaders, the Clerk's office called everyone who had not made an appearance prior to that time in the Committee hearing. That is what I said, that it was uncommon for this agreement to have been made ahead of time for there to be three specific times, and three times those individuals who had not yet made presentations were called by the Clerk's office. I stand by that.

Mr. Speaker: Time for Oral Questions has expired.

MEMBERS' STATEMENTS

Days Inn—Steinbach

Mr. Jim Penner (Steinbach): Mr. Speaker, as many of the members in this Chamber know, Steinbach has long had the motto: "It's worth the trip." I am pleased to advise the House that more and more Steinbach is becoming known as a great place to stay, as well. This became even more so with the official opening of the new

Days Inn yesterday, which I was pleased to celebrate with over 200 area residents.

This new facility offers guests 49 rooms, a pool and a waterslide and two well-appointed meeting rooms. Mr. Speaker, the need for adequate lodging in Steinbach has grown in the past years as the city has increasingly become the primary commercial centre for southeastern Manitoba. Local residents have responded to this challenge, and I would like to especially commend Irma and Brian Esau and Bob and Dorthy Schinkel for putting their capital on the line to help grow our community and provide this valuable service. Their collective entrepreneurial spirit has created excitement, created opportunities and created jobs in this community.

It was mentioned yesterday that the opening of this facility has been spurred along by the strong growth of our region and the economic momentum that has been created over the past decade in our province. I would encourage the Government of the day to recognize the importance of this economic climate and to work to enhance rather than inhibit it. With the opening of this new Days Inn, I believe it is the 75th in Canada, the city of Steinbach increases its ability to hold significant conferences and events. Mr. Speaker, I would encourage all members of this House to consider Steinbach when planning special events and activities. It's worth the trip and it's worth the stay.

United Nations Year for the Culture of Peace

Ms. Marianne Cerilli (Radisson): Mr. Speaker, it has not been talked about very much, but this year is the United Nations Year for the Culture of Peace. As we watch in horror news of a nuclear submarine on the bottom of the Arctic Ocean, I want to draw all of our attention to this important goal.

I also want to recognize those involved with the coalition opposed to the arms trade and for the work in particular on *Press for Conversion* magazine which I would encourage all members of the House to subscribe to. It regularly outlines countries with military exports from Canada. As well as that, it compares the Government in the

country spending on health and education versus military spending and documents the number of doctors versus nurses and soldiers, as well as other developmental statistics like literacy rates and gender balance in employment and income distribution.

For example, Saudi Arabia, the world's biggest weapons importer in the last eight years where statistics were available, had almost \$1.25 billion of imports and arms from Canada. They spend 36 percent of their revenue from government on military and only 6 percent on health and 14 percent on education. Notably, this publication also lists military donations to the Liberal Party of Canada.

Recently in this House we have recognized Peacekeepers Day, which happens to coincide with the anniversary of the August 9 bombing of Nagasaki, Japan. We have also had a lot of talk lately about sustainability. Mr. Speaker, I would submit the sustainability has to have at the top of its agenda a conversion of our economy away from being hooked on war and militarism. At the top of this list—

Mr. Speaker: Order. The Honourable Member's time has expired.

Standing Committee Process

Mr. John Loewen (Fort Whyte): Mr. Speaker, I rise today to speak briefly about what took place last night in committee. It was an unbelievable experience to have in such important legislation as this all presentations brought to a halt by the members opposite, who used their majority on the Committee to indicate to individuals of all stripes who were speaking for and against the legislation that they would have to stay until 5:30 in the morning if they wished to be heard or that would be the end of it.

The Premier (Mr. Doer) today quoted from John Godard, and he was there. He was there at four in the morning. He laughed at us for being there, and quite rightly so, because there are better methods of handling this. It is unfortunate that the Premier has chosen to speak for Mr. Godard today, because he put some, I think, information on the record that Mr. Godard might not agree with.

In fact, Mr. Godard's point was that he thought everybody should take a step back, eliminate the rhetoric, the Premier should consider some form of commission or inquiry to come up with a proper piece of legislation that would not take us back or would not deal in small incremental Band-Aid solutions but would take Manitoba beyond the 21st century. That was the point of his presentation. He also indicated that due to the way this legislation was introduced, he did not have time to even look at that presentation until the night before committee. So what type of consultation is that?

We also heard in a number of cases very, very good submissions, one from Grant Mitchell, who spoke earlier and with leave of the Committee because of a recent illness and was allowed to speak earlier than his allotted time. What did we hear from Mr. Mitchell? Some very innovative solutions into how the issue of labour relations could be addressed in Manitoba. But more importantly, we heard from Mr. Mitchell a direct refutation of a report from Colin Robinson. So it is important that Mr. Mitchell had the opportunity to speak for himself—

Mr. Speaker: Order. The Honourable Member's time has expired.

McLeod Adult Learning Centre

Mr. Harry Schellenberg (Rossmere): Mr. Speaker, I rise today to speak on McLeod Adult Learning Centre located at 530 McLeod Avenue in North Kildonan, which is part of the River East School Division's continuing education program. Interest in adult education has grown across Manitoba. Adults of all ages are returning to school to improve and upgrade their academic and job skills so they can be productive members for society and their family in the 21st century.

McLeod Adult Learning Centre had its first graduating class this June with 15 students. This adult centre is quite flexible in accommodating students, because students are able to attend part time, full time, evening or day classes. As a result of this flexibility, students may work at a job to support themselves while they attend school. Phil McBurney, program co-ordinator for the student centre, has pointed out that many

of these students have overcome disastrous experiences with schooling to get their Grade 12 diploma. Graduation has given these students empowerment, confidence, and has made them feel better about themselves. This graduation diploma has opened doors to this graduating class.

* (14:40)

The teaching staff must also be commended for creating an environment that encourages adult students to succeed. The adult classroom gives support, camaraderie, bonding and structure for these students who have seldom been successful in the regular classrooms. As a result of a dedicated teaching staff and the desire for students to upgrade, this centre has been a success story of the River East School Division.

Congratulations to the River East School Division for being progressive and supportive to adult education. With this kind of support this adult centre will continue to grow and be successful in the years to come.

Conservative Party

Hon. Jon Gerrard (River Heights): Today, I rise to pay tribute to the Honourable Member for Lakeside (Mr. Enns). In recent days the Member has used his time in the Legislature to read from a history of the Conservative Party. There is considerable symbolism, Mr. Speaker, in the book that the member has been reading. It is called *Ashes to Ashes*.

Many honourable members on the right now hold membership cards in the Alliance Party to make clear where their allegiance or their alliance rests. Even from the central Conservative Party office, there was active phoning, campaigning and soliciting for Alliance memberships. Though a few hot embers still burn among Conservative Party ashes, during the last several elections all Manitobans have witnessed the shrinking size of the name Progressive Conservative Party on the election signs. Last fall the letters were so small that one almost needed a magnifying glass to see them. It now appears they may even disappear.

Those in my party, the Liberal Party, await developments with interest. What new alliances

will form? Will some or all of the members on my right return next session as the Manitoba Alliance Party? How many will endorse Stockwell Day and his dream to reduce the federal government to a department of defence and a department of foreign affairs? How many really want to remove all government grants to help promote and build communities, as the Alliance plans? How many really desire an Alliance federal government which will drastically reduce equalization transfers to provinces like Manitoba? How many believe, as we saw recently, that those who live in have-not provinces are lazy?

Mr. Speaker, while the future of the Conservative Party hangs in the balance, the future of the Liberal Party is strong. Recent polls show increased support for the provincial Liberal Party. Young people see the Liberal Party as dynamic, innovative and future-thinking. The Liberal Party will be around for a long time. We will build and become stronger in this province.

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Point of Order

Mr. Harry Enns (Lakeside): I was wondering, Mr. Speaker, whether the House would indulge me for a response to the Honourable Member for River Heights.

Mr. Speaker: Does the Honourable Member have leave? *[Agreed]*

Mr. Enns: Mr. Speaker, one hears in the words of my honourable friend for River Heights his first opening moves in that soon-to-be-vacant seat of Winnipeg South Centre, namely that of the Member who has served Winnipeg and Manitoba well, one Honourable Lloyd Axworthy. He is going to now muscle aside the Reg Alcocks and the John Harvards and the Mr. Duhamels to prepare that ground, and regrettably the last vestige of the Liberal Party in this Chamber will disappear. From ashes to ashes, dust to dust goes the Liberal Party. Now that is the true reality of the future of the Liberal Party.

The discussions about my imminent departure are premature. I hope to be back and enjoy many more years in this Chamber. Thank you.

Mr. Speaker: The Honourable First Minister, on a point of order.

Hon. Gary Doer (Premier): On the same point of order, I would concur with the Member for Lakeside that it did sound like the opening of a new campaign for the last Liberal member in this House. Mr. Speaker, for a member who has voted and sided with the Conservative Party on almost every vote in this Legislature, to condemn the members opposite to a destiny of absolute disappearance is shocking for a person who has disappeared with the Liberal Party and now votes with the disappearing Conservative Party. I am very shocked and surprised in this regard.

We have one last elected federal MP for the Conservative Party west of the Ottawa River. That person is indeed a person who should be defined in the existing endangered species legislation now being proposed by the federal government. And having watched the new Mr. Day step onto the national stage and slip on a banana peel in Atlantic Canada, and he still is falling into the ocean out there in Atlantic Canada, only the NDP will provide the sanity for the future.

Committee Changes

Mr. Peter Dyck (Pembina): I move, seconded by the Honourable Member for Turtle Mountain (Mr. Tweed), that the composition of the Standing Committee on Industrial Relations be amended as follows: Emerson (Mr. Jack Penner) for Lakeside (Mr. Enns).

Motion agreed to.

Mr. Gregory Dewar (Selkirk): I move, seconded by the Honourable Member for Wellington (Mr. Santos), that the composition of the Standing Committee on Industrial Relations be amended as follows: St. James (Ms. Korzeniowski) for Interlake (Mr. Nevakshonoff), La Verendrye (Mr. Lemieux) for

Fort Rouge (Mr. Sale), The Maples (Mr. Aglugub) for Assiniboia (Mr. Rondeau).

Motion agreed to.

ORDERS OF THE DAY

House Business

Hon. Greg Selinger (Acting Government House Leader): Mr. Speaker, I would like to announce that the Standing Committee on Industrial Relations will meet, by leave, at 3 p.m. this afternoon concurrently with the House, with the Committee to rise at its own discretion. The Committee will consider Bill 18 and Bill 44.

Mr. Speaker: It has been announced that the Standing Committee on Industrial Relations will meet by leave at 3 p.m. this afternoon concurrently with the House, with the Committee to rise at its own discretion. The Committee will consider Bill 18 and Bill 44. Is there leave? *[Agreed]*

Mr. Selinger: Mr. Speaker, I would like to seek the consent of the House to waive the quorum requirement for today due to the sitting of the Industrial Relations Committee.

Mr. Speaker: Is there leave to waive the quorum count for the day? *[Agreed]*

Mr. Selinger: Mr. Speaker, I would like to call the report stage on Bill 17 and Bill 12.

Mr. Speaker: In that order?

Mr. Selinger: In that order.

REPORT STAGE

Bill 17—The Elections Amendment Act

Mr. Speaker: Bill 17, The Elections Amendment Act (Loi modifiant la Loi électorale), the amendment standing in the name of the Honourable Interim Leader of the Opposition.

Mrs. Bonnie Mitchelson (Interim Leader of the Official Opposition): Yesterday we dealt with a couple of amendments to Bill 17 in section 25. I know that right now we are

speaking to an amendment that was introduced by the Premier (Mr. Doer).

I am wondering whether we might have unanimous leave to deal with an amendment to the Premier's amendment?

Mr. Speaker: Order. Is there leave for the Honourable Interim Leader of the Official Opposition to move an amendment to the subamendment? *[Agreed]*

Mrs. Mitchelson: Mr. Speaker, I move, seconded by the Member for Ste. Rose (Mr. Cummings),

THAT the Bill be amended in section 25 by adding the following after the proposed subsection 174.2(2):

Right of candidate to enter communities

174.2(3)No person shall prevent a candidate or a representative of a candidate who produces identification indicating that he or she is a candidate or representative from canvassing or distributing election campaign material in any community in the province.

Motion presented.

* (14:50)

Mrs. Mitchelson: Mr. Speaker, I just want to indicate that this is one instance we are certainly working together to try to ensure that the legislation is worded right and workable. This is one example where this certainly has worked.

I think with just those few comments we are prepared to let the amended amendment pass and move on with passing Bill 17.

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

Some Honourable Members: Question.

Mr. Speaker: The question before the House is that the motion to amend the Bill in section 25 be amended by adding the following after the proposed subsection 174.2(3) Definition of Community

174.2(4) In subsection 3, community means any geographic territory—

An Honourable Member: Dispense.

Mr. Speaker: Dispense.

THAT the Bill be amended in section 25 by adding the following after the proposed subsection 174.2(2):

Right of candidate to enter communities

174.2(3) No person shall prevent a candidate or a representative of a candidate who produces identification indicating that he or she is a candidate or representative from canvassing or distributing election campaign material in any community in the province.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

The amendment by the Honourable First Minister that the Bill be amended in section 25 by adding the following after the proposed subsection 174.2(4) as further amended by the subamendment. Dispense? Is the House ready for the question?

Some Honourable Members: Question.

Mr. Speaker: The question before the House is that the Bill be amended in section 25 by adding the following after proposed subsection 174.2(2) as further amended by the subamendment—

Dispense?

An Honourable Member: Dispense.

THAT the Bill be amended in section 25 by adding the following after the proposed subsection 174.2(2):

Right of candidate to enter communities

174.2(3) No person shall prevent a candidate or a representative of a candidate who produces identification indicating that he or she is a candidate or representative from canvassing or

distributing election campaign material in any community in the province.

Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

Hon. Gary Doer (Premier): I move, seconded by the Minister of Agriculture and Food (Ms. Wowchuk), that Bill 17, The Elections Amendment Act; Loi modifiant la Loi électorale, as amended and reported from the Standing Committee on Privileges and Elections and subsequently amended, be concurred in.

Motion agreed to.

Bill 12—The Public Schools Amendment Act

Hon. Greg Selinger (Acting Government House Leader): I move, seconded by the Minister of Family Services, that Bill 12, The Public Schools Amendment Act; Loi modifiant la Loi sur les écoles publiques, reported from the Standing Committee on Law Amendments and subsequently amended, be concurred in.

Motion presented.

Voice Vote

Mr. Speaker: All those in favour, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

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

Formal Vote

Mr. Marcel Laurendeau (Opposition House Leader): Yeas and Nays, Mr. Speaker.

Mr. Speaker: A recorded vote has been requested. Call in the members.

Order. The question before the House is Bill 12, The Public Schools Amendment Act, as amended.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Aglugub, Allan, Asper, Barrett, Caldwell, Cerilli, Chomiak, Dewar, Doer, Friesen, Jennissen, Korzeniowski, Lemieux, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Nevakshonoff, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Selinger, Smith (Brandon West), Struthers, Wowchuk.

Nays

Cummings, Dacquay, Derkach, Driedger, Dyck, Enns, Faurshou, Filmon, Gerrard, Gilleshammer, Laurendeau, Loewen, Maguire, Mitchelson, Penner (Emerson), Penner (Steinbach), Pitura, Praznik, Reimer, Rocan, Schuler, Smith (Fort Garry), Stefanson, Tweed.

Madam Clerk (Patricia Chaychuk): Yeas 29, Nays 24.

Mr. Speaker: I declare the motion carried.

* (15:10)

Hon. Gord Mackintosh (Government House Leader): Would you canvass the House to determine if there is leave to proceed to third reading on Bill 12, Mr. Speaker?

Mr. Speaker: Is there agreement of the House to proceed with third reading of Bill 12, The Public Schools Amendment Act, as amended?
[Agreed]

THIRD READINGS

Bill 12—The Public Schools Amendment Act

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 12, The Public Schools Amendment Act (Loi modifiant la Loi sur les écoles publiques), be now read a third time and passed.

Motion presented.

Mrs. Joy Smith (Fort Garry): Mr. Speaker, I have to say that today I am very disappointed with the vote that has taken place. I want to put on record there has not been enough collaboration. The home schoolers completely object to this bill being passed.

I once again plead with the members opposite to listen very carefully. I plead with the members opposite to take this motion very, very seriously. Having said that and having voiced our objection, members on this side of the House totally object and call for Bill 12 once again to be withdrawn.

I move, seconded by the Member for Seine River (Mrs. Dacquay),

THAT the motion be amended by deleting all the words after the word "THAT" and substituting the following therefore:

Bill (No. 12) – The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques, be not now read a Third Time but that it be read a Third Time this day six months hence.

Mr. Speaker: Order. The motion is in the proper format for a hoist motion and is in order according to *Beauchesne's* Citation 731: "When an Order of the Day for the third reading of a bill is called, the same type of amendments which are permissible at the second reading stage are permissible at the third reading stage with the restrictions that they cannot deal with any matter which is not contained in the bill." Hoist motions are allowed in second reading, so the motion is in order.

Mrs. Smith: I ask for leave to put some very brief comments on the record concerning this hoist motion.

Mr. Speaker: Does the Member have leave?
[Agreed]

Mrs. Smith: Mr. Speaker, today members from this side of the House presented a very unusual motion, a hoist motion. This motion allows the Minister of Education (Mr. Caldwell), if he so chooses, this gives the Minister of Education one

more chance. Today, this bill has gone into third reading. Today, we are trying to hold this bill for six months.

Members from this side of the House have talked around the caucus table. We feel very strongly that we will do anything to prevent this bill from passing. It is now in the dying moments of the Bill. It is in the dying moments now of this bill being passed. There is one last chance that the Minister of Education and members on the opposite side of the House can take, one more chance to take the Bill, accept this hoist motion, and six months down the road bring it back into third reading.

Mr. Speaker, we have put a lot of thought into this. We have put a lot of work into this, because we believe for the democratic process to continue here in Manitoba that members opposite have to take this chance. Just with these last comments, I am putting the responsibility squarely on the shoulders of members opposite. They now have the power in their hands with their membership to allow this hoist motion to go through. It is now August. We will not see this bill again till September, October, November, December, January, February. That is what the members on this side of the House are pleading with members opposite to accept. Thank you.

* (15:20)

Mr. Harry Enns (Lakeside): Mr. Speaker, just very briefly let me echo the comments made by my colleague for Fort Garry, and let me indicate to honourable members opposite that this is a most reasonable request. We have heard from the Department of Education that they are prepared to enter into more discussions with the home schoolers in the province of Manitoba. What this provision provides them is the six months to do precisely that.

I am a practising politician, and I know that there are some core issues that are very important to the Government of the day, like perhaps Bill 44, the labour bill, but this is surely not one of them. I look at some of the members, the Member for Rossmere (Mr. Schellenberg), the Member for Interlake (Mr. Nevakshonoff), other members that could have no difficulty in

supporting this hoist motion. For the record, I know that—well, particularly members of the gallery, they see us kind of voting like robots. You know, Conservatives vote this way, NDPs vote that way. That is not what we are supposed to do. We are sent here by our constituents to vote as on our conscience. That, by the way, Mr. Speaker, is why I am an enthusiastic supporter of Mr. Stockwell Day, who will be the next Prime Minister, because he is going to bring some parliamentary freedom to individual MLAs and MPs on issues like this, issues of conscience, to vote that way.

I remind them, on an issue that was very near and dear to the New Democrats when they proposed to nationalize Centra Gas, I broke ranks with my party and supported the New Democrats on that vote because I happened to believe that if the taxpaying dollars of my constituents were going to be used to buy that facility and turn that into a public utility, then I wanted my constituents to be part of it and to enjoy it. It did not gain me many friends in my party and my then-leader, the Honourable Mr. Filmon, was not too pleased with me, but it can happen and it can happen right now.

It can happen right now. To the Member for Dauphin (Mr. Struthers), the Member for Rossmere (Mr. Schellenberg), the Member for Interlake (Mr. Nevakshonoff): Come and join us on this vote and not defeat the bill, but give us six months to reconsider it. That is a reasonable request, reasonable people understand it, reasonable people expect that. Let us do it, gentlemen.

Mr. Speaker: Prior to recognizing the Member for Emerson, I would just like to read back the amendment.

Moved by the Honourable Member for Fort Garry (Mrs. Smith), seconded by the Honourable Member for Seine River (Mrs. Dacquay),

THAT the motion be amended by deleting all the words after the word "THAT" and substituting the following therefore:

Bill (No. 12) – The Public Schools Amendment Act/Loi modifiant la Loi sur les écoles publiques, be not now read a Third Time but that

it be read a Third Time this day six months hence.

Mr. Jack Penner (Emerson): Mr. Speaker, just very briefly put a few comments on the record in regard to this bill and the reason why we should set it aside for at least six months to have proper debate in the public and proper consultations between the home schoolers and the Minister's department, and indeed the Minister. I believe the Minister has a tremendous opportunity here to demonstrate that he is the kind of minister that will listen to the people and in fact enact legislation that the people would support, because the reason we are here, the reason we are elected, all of us, including the Minister, is surely to enact the kind of legislation that is only supported by the general public and for the good of the general public. That is why we are here. That is the only reason we are here. That is the only reason we govern and we are entrusted to enact the kind of legislation that will be for the betterment, not of ourselves as legislators, not to give us power over others, but to indeed enact the kind of legislation that will be there for the benefit of our children.

That is why I think it is so important that we recognize the home and the sanctity of the home and the right of parents to educate their children as they see fit. Yes, we all agree that there need to be some assurances that proper education is given, and when one looks at the results, the provincial test results in all these areas, one must give a great deal of credit to the parents when they teach their own children because those records, those test results clearly demonstrate those home schoolers have done a marvellous job. Test after test has elevated their level of education to at least as high as our public sector has, and even higher, and that has happened time and time again.

I say to you, Mr. Speaker, and I say to the Minister, give it six months. Sit down, take time, take time to consult, take time to ask these people what their views are, what their needs are, address those needs in legislation, and Mr. Minister, I say to you, you will be their hero.

Mr. Jim Penner (Steinbach): Mr. Speaker, I, too, would like to just put a few comments on the record for the hoist of Bill 12, and they come

from a real concern after relating to the people that are affected the most. The people that are affected the most by this bill have been consulted the least. They are the ones who have not had a chance to have input. They need time. They need just a little bit of time. Last night I was in my constituency at a grand opening, about 200 people there, and this was an item of concern.

Mr. Speaker, the item of concern goes well beyond the home schoolers. The people who are sympathetic with the home schoolers are also those who are not home-schooling. I have spoken to friends and relatives in the last day or two who say why cannot this thing be consulted first? Why does it have to create fear? Why does it have to create distrust?

It is almost that this is a symbol of dictatorship if we force this bill through without a little more consideration. I think that it would be a sign of trust. It would be an understanding of the term democracy if we got all the members in this House to agree to allow this thing to continue for consultation for six months.

Mr. Speaker, that is the hope that I have for this bill.

Mr. Peter Dyck (Pembina): I, too, would like to thank the Member for Fort Garry (Mrs. Smith) for bringing in this hoist motion. Again, it is in the heat of the battle that you need to sit back at times and analyze exactly where you are coming from.

Mr. Speaker, we have parents in the gallery today, have had for the past week, parents who have taken their responsibility of teaching and training their children very seriously. I believe that this bill is something that contradicts that. It is saying, and I have said it numerous times in this House, that the democratic right of families is to do what they feel is best for their children. This is something that they need. This is something that they want to retain and we want to honour that.

This hoist motion simply asks the Minister and the Government of the day to sit back, take another look at it and to see maybe in fact it needs to be withdrawn. That is what the people, the

home schoolers in the province of Manitoba are asking for.

Mr. Speaker, the comments have been made about having a good education and I concur with that, but again, I think statistics, I say I think, I know statistics prove the fact that those who are home-schooling are doing an excellent job, and the results show that.

I would ask the Minister to very seriously look at this. Take another look. Take time to reflect. Again, the parents in the province of Manitoba who are home-schooling, it is also their mandate, it is their responsibility, it is their wish to do the very best for their children, as they see it. I would hate to see as we go through this process, and we have seen a number of bills come into this House in the last few weeks, of the bills that take away the democratic rights of Manitobans to make decisions for themselves.

That is why people came here hundreds of years ago, fifty years ago, in the last few decades. They wanted the freedom that Manitoba and Canada gave them. So I would ask the Minister to reconsider, to look at this seriously, to put a hoist on this motion, withdraw it for six months. Then I guess if he feels bring it back, so be it, but that we can deal with it at that time again.

With those few comments, Mr. Speaker, I just want to support the Honourable Member for Fort Garry and the comments that were made by our Member for Lakeside (Mr. Enns), the fact that this is an important bill for the people, the families of the province of Manitoba, and would ask them to rethink and withdraw this bill. Thank you very much.

Mr. Darren Praznik (Lac du Bonnet): Mr. Speaker, I appreciate the opportunity to add a few comments to the record on the motion moved by the Member for Fort Garry. I just would like to note for the purposes of the record that we have a very full gallery here today of people who are from the home-school community.

* (15:30)

In my 12 years in this Legislature, I am hard pressed to remember when so many people who

normally are not involved in the political process, they are not the activists employed by various unions, as we have seen on Bill 44, or people who are the paid representatives of various lobby groups and things, or the people who are here to look after issues involving their own paycheques who have from time to time filled our gallery to make a point.

This is one of those rare occasions in my 12 years in this House when I have seen so many Manitobans who are not here asking government for something. They are not here asking for the state, the Province, to be providing them with money. They are not here to feather their own wallets in any way. They are here because they believe in what they are doing. They believe that they can provide a better education to their children at home, and they want the right to do it.

They are here because they care. That speaks volumes of a group that in the life of the province is a very, very small group of people, but it is a group of people who feel very strongly about what they believe. They have come here today and they have been here day after day to make their point to members of the New Democratic Party how strongly they feel about this issue.

I want to commend them for coming, because, I will tell you, as a legislator, as a member of this Assembly, to know that people care about what they believe in means a great deal to us. It means that you are prepared, that these individuals are prepared, to stand for their issues. It means that they should be taken very seriously.

Now, what is regrettable here, Mr. Speaker, is the attitude of this minister and of this government. They are in their first year. They are our new government; the Minister of Education (Mr. Caldwell) is a new minister. He was just elected last year. And you know, I just want to offer some advice to him, advice that was offered to me as a new minister and as a new MLA a decade-plus ago by the Member for Thompson (Mr. Ashton), the current Minister of Highways, a member that I think if the Government would listen to more within their

own ranks would find that they would be in less trouble with the public.

I really do believe that, because that minister always advised me, and it is advice that the Minister of Education has yet to learn himself, because the very first day he arrived in this Chamber as a new cabinet minister and he was asked a question about his department, did he display one bit of the humility that comes from holding public office? Did he display one bit of the humility that comes from having the responsibility of office granted, the privilege of office granted to you by the electors of this province? No. His answer was a very simple one. He said: We won the election, you lost. And that became his motto, his creed. We won, you lost. We can do what we like.

It demonstrated a cabinet minister who had forgotten what the Member for Thompson always reminded our side of the House of very wisely and what some of us had to learn the hard way. Being here is a privilege. We are not here to be dictating. We are here because we have been given the privilege of representing our constituents, to make laws and govern on their behalf and in their best interests.

The Minister of Education showed no respect for the other members of this Assembly. He showed no respect to those who were asking him legitimate questions. He just arrogantly said: I won the election, I can do what I like, in other words, for the next four years.

He displayed that with the home-school community. He displayed it with them. Then when he kind of got caught, well, I am going to listen, I am going to listen. But when it came time to listening, to show that he not only listened but heard and put it into action, he and his colleagues voted against the amendments that would have made this bill acceptable to the home-school community.

He may have listened, but he did not hear. And there are none so blind as those who will not see or those so deaf as will not hear. This Minister of Education will not hear and he will not see. That has been his record to the people of Manitoba. On the stairs of this Legislature that

arrogant minister stood and said to the community he would listen.

Why did he say it? Because he was in a tough pickle. Because they were there in front of him. He had to look the people in the eye, the people of Manitoba. He had to look them in the eye. He had to take their criticisms. And instead of being an adult and saying: We disagree, and I have a different position, and we will argue, he said: I will listen to you.

But the moment he got back in this Chamber, in the safety of these walls, away from the very people that he represents, the very people he is supposed to have a responsibility to, he had forgotten. He was safe now among his New Democratic Party colleagues, and he could do what he liked. You know it was very shameful. When he was very shameful was when we moved—my colleague the Member for Fort Garry (Mrs. Smith), who has fought this battle so passionately on behalf of the home-school community, and I am so proud of our new member taking on this battle—when amendments were moved in this House and the Minister, after saying he would listen. Remember he said that after he and his colleagues voted against the same amendments at committee, not our amendments, amendments proposed by the home-school community as making the Bill tolerable, acceptable. He came back into this House. We moved the same amendments. Did he say: Well, I have changed my mind? No, they on that side would not be adult enough to vote those amendments down in front of the people of Manitoba. They adjourned the debate so that they could vote it down when our visitors in the gallery were not here. They wanted to do it when it could not be seen.

Now, I tell you I grew up believing, if you are an adult and you have a difference of opinion, at least have the courage to stand by your convictions and do it in front of the people who oppose you, but not this minister. He and his colleagues could not move fast enough to adjourn debate on resolutions they just a few hours or days before had voted down. Did we end up seeing those again? No, they are all voted down because this Minister again, he may have pretended to listen, but he certainly did not hear.

I want to leave members of this House and those who listen to this debate with just one other thought about context. What bills, what legislation has this new minister and this new government brought in, in the education field? Have they brought in any bills to enhance the quality of what our children will learn? Have they brought in any legislation before this House to raise the standards of what our children learned in the schools to face the new century? No. Do you know what they brought in? They brought in a bill to stomp on the home-school community, and they brought in a bill so that for teachers in this province, when their salaries go to arbitration, the arbitrator cannot consider the ability of the taxpayer to pay.

That is what this government and this minister has made their contribution to education in its first year of office: two bills, one to stomp on home schoolers and the other to take away what common sense—and you know, just think about that. When an arbitrator is arbitrating the salaries of teachers, if this bill becomes law, this minister's proposal is that the arbitrator can no longer think about whether or not the taxpayer can afford the bill. Imagine. That is the agenda of the Minister of Education (Mr. Caldwell).

You know what I would suggest? That there is one underlying theme behind that agenda, and it is the agenda of one particular union in the province of Manitoba and its leadership. That is simply to do what is most important for the leadership of the Manitoba Teachers' Society. Do you know what? There is a deal, because who was out there at committee dealing with the labour relations bill that does not affect their members? The president of the Manitoba Teachers' Society, who by the way, without polling one teacher in this province, said she speaks for everyone and knows it to be true.

* (15:40)

Well, I remember debates in this House, Mr. Speaker, when the Manitoba Teachers' Society came and lobbied us all. They were very clear that they did not like the home-schooling community, and for a very good reason. Every one of their children who stays out of a public school is—what?—\$4,000 or \$5,000 less to that school. It is about money. That is what the battle

is. Less students mean less jobs for teachers and less money in those schools. Does this Minister of Education raise that in the discussion? No, because he does not have the courage to tell the truth about this matter, about what motivates the Minister of Education (Mr. Caldwell).

If his concern was making sure every home-school family was properly accounted for and that they were achieving the goals they had set for themselves that were in the public interest, he could have easily done that with some negotiation and discussion, but that is not his agenda. His agenda, the agenda of the New Democratic Party is to eventually end home schooling in the province of Manitoba, not for any logical reason other than their friends in the Manitoba Teachers' Society, and by the way, an organization that spent a great deal of money and effort to make sure that the New Democrats had a majority in the last election. That is their payoff.

So, make no bones about it, if you are a supporter of the home-school movement you have no friends in the New Democratic Party, because if you did, if any of those MLAs, and I look to the Member for Rossmere (Mr. Schellenberg) who has many home schoolers in his riding and whose margin of votes was just 100 or so. Those home schoolers could have defeated him and put another pro-home schooler on this side of the House. Will he have the courage to stand for this motion today? Will he have the courage to stand up for the people of Rossmere who home school? No. The Member for Interlake (Mr. Nevakshonoff), many home schoolers in his constituency. I bet you back home he will tell you how he cares for this, but will he stand for this motion to give six months of sanity to work out a deal? No, he will not. But, you know, in a few minutes they are going to have a chance to show their true colour.

I just want to make one other comment for those who listen to this debate, that this is not a confidence motion. If this motion is passed, if this bill were to be defeated, it would not mean this government has to resign. This is not a motion of confidence. This is one of policy. Mr. Doer as Premier, the Premier would not have to resign and go to an election if the members of the New Democrat Party—

Mr. Speaker: Order. I would just like to remind all honourable members that when addressing honourable members, by their constituency or ministers by their titles.

Mr. Praznik: Thank you. I thought I had corrected that when I noticed the error.

But the Premier would not have to resign. There would not have to be an election. If members of the New Democratic caucus in the Interlake constituency, in Rossmere constituency, and any of the others, in St. Vital who have home schoolers, if they are telling you that they support you and they believe you and want to help this, then they will have the courage today to stand and support this motion that allows six months for this Minister to do what he has not done in the ten months he has been a Minister; sit down and honestly negotiate a reasonable arrangement with the home-school community.

You know what, today they will have a chance, and they may stand with their colleagues because they do not have the courage to stand with their constituents, and that is what it will be, but I say to them that the people who are in this gallery today, who may have voted for them in the last election will never forget seeing them rise to defeat this motion, and they will remember the home schoolers when next they meet them at the ballot box.

Mr. David Faurshou (Portage la Prairie): It is a pleasure for me to rise and have the opportunity, and I most assuredly recognize the privilege that I have as a member of the Manitoba Legislative Assembly representing Portage la Prairie.

This afternoon we have a motion before us presented by my honourable colleague from Fort Garry that would give opportunity for sobering, second thoughts in regard to Bill 12. What is Bill 12? Bill 12 is not long in length. In fact, it is only two pages; two pages, yet, it has been a focus of hours upon hours of debate. I was one of the committee members that was present through the long deliberations and presentations. More than 20 hours were devoted to this bill and Bill 42 in committee, a very short time ago.

Each and every day we have an opportunity to start our deliberations in this Chamber with prayer, and we ask that we may be guided and provide for the welfare and prosperity of all our people here in this province. The question must be asked by each one of us prior to our vote here in the Chamber, in fact, the way we vote true to this prayer that we take in earnest each and every day. If members opposite were to ask themselves in regard to that on this Bill 12, I dare say that they would not be voting with the Executive Council and the Minister of Education (Mr. Caldwell) for Bill 12.

So this afternoon we have the opportunity, as my honourable colleague from Lac du Bonnet has just stated that this is not a non-confidence vote. Members on the Government side of the House will have opportunity to vote independently, vote to represent their constituents, vote with clear conscience that they are not betraying the Government. Insofar as this motion, all that it is, is providing for time to have those consultations that the Minister of Education has trumpeted so loudly, trumpeted from the stairs of this Legislative Assembly to the home schoolers of this province stating that he will listen and he understands what they were saying and will, in fact, be there to provide for those concerns in legislation.

So, Mr. Speaker, we are at a crossroads, a crossroads for members who sit opposite as to whether they are going in fact to support this motion on the floor here today. I do want though to emphasize the points that have been placed upon the record of this Chamber, brought forward before us in petition from the home-schoolers association, and they provide some very important points that I believe all need time for second thought.

In fact, from the petition, if I might read, that our home education is a viable alternative to public education. I do not believe that there is a single member of this Chamber that will doubt or dispute that statement, that Bill 12 gives undefined powers to the Minister of Education which could adversely affect the rights of the families. This is true. The Bill is unclear in numerous areas, and when it is not clearly defined it provides for doubt and uncertainty, and, yes, fear of lost freedom.

Further to the petition, that convictions of parents and guardians are not recognized and openly supported, I have not heard one solitary comment from any members, regardless of party affiliation, that doubts the convictions, the dedication, and the commitment of the parents that are home schooling their children. This bill does not openly support that recognized conviction. So again, pause for second sobering thought.

* (15:50)

Further to the petition, that home-school associations have not been consulted regarding the best method of facilitating the freedom and effectiveness of home-schooling families. We heard from the Minister yesterday that he stated that he entered into consultation on May 9 with the home schoolers of Manitoba. We are all cognizant of the length of time it takes government to design forms, to collate those forms, to print those forms, to mail those forms. If in fact the Minister waited until November 9 to consult the home schoolers, the forms which those home schoolers received in their mailboxes a short time ago were, in fact, designed prior to May 9. Is this not an insult to everyone in this Chamber, and especially to the home schoolers of this province, to consult after the fact, where the forms that are in the possession of the home schoolers here in the province today have, in fact, been designed and formatted prior to entering into consultation.

I do not believe that the Minister wants to be known for being less than truthful with the home schoolers in light of the statement that he was open to consultation prior to decision making. Clearly that is not the truth at this point. Further to the petition, new policies and regulations have come into existence with the apparent anticipation of Bill 12 being passed which home educators find to be intrusive and intimidating in the nature which potentially reduces the freedoms of home-school parents. I believe I have touched upon this topic in my comments already.

Lastly, Mr. Speaker, Bill 12 fails to provide a mechanism of appeal for home-schooling families other than the courts. I believe this is not in keeping in the true spirit of legislation that

offers a mechanism for appeal to correct and to address and to conciliate matters which are in disagreement.

We have had a great deal of deliberation in regard to Bill 12. I believe this motion is one that needs to be passed for that time to have second sobering thoughts in which to address the shortcomings of the Bill which we discuss, Bill 12.

Bill 12, as I stated at the outset, is very brief. However, it has a great deal of ramifications upon the home-schooling families of this province. I truly feel that we as legislators must act responsibly. I appeal to the Member for Selkirk (Mr. Dewar), I appeal to the Member for Interlake (Mr. Nevakshonoff), I appeal to the Member for St. Vital (Ms. Allan) that this is not a non-confidence motion and that they could vote with a clear conscience with this side of the House in support of this motion. Thank you, Mr. Speaker.

Hon. Drew Caldwell (Minister of Education and Training): Mr. Speaker, I have been sitting in the House for the last 45 minutes or so listening to some of the remarks. I was raised in a Christian household, in a Christian family. I was taught to believe that hatred was not a family value. I was taught to believe that demagoguery was wrong. I am profoundly disappointed with the politicization of this issue, because all of us should be placing the—*[interjection]* As I said, I was raised in a Christian household and taught to believe that hatred was not a family value. I am disappointed in the politicization of this issue, profoundly so, because the value on children is what is driving every action in the Department of Education and Training.

I was particularly disappointed with the vociferous and meanspirited remarks from the Member from—and I am not sure where he is from, Beausejour, Lac du Bonnet. Mr. Speaker, speaking to the gallery such as he did was very disappointing to me. I feel sad in my heart for some of the performances that have been raised in this particular matter and some of the fear-mongering that has gone on. This government made significant changes in registration, in registering at the urging of the home-school

associations in the province of Manitoba. We made a commitment to continue consulting with home schoolers.

Mr. Speaker, I have sat through some considerable abuse here today, and I think that the public has been exposed to some tone in this House that I think is very unfortunate. I suppose we continue to sit through that with the heckling. But I am pleased that home schoolers, parents, their associations, feel strongly about the quality of education in the province of Manitoba. I am very pleased with that because in that caring they share the values that I have and this government has for educational excellence in the province of Manitoba. In fact, I am pleased that the members opposite made this a cause célèbre in their activities over the last few days.

I know that those in the public school system, those in the post-secondary system, those in the independent school system, can only wish that the members opposite would care so much about broad educational issues in the province of Manitoba.

So, Mr. Speaker, in closing this debate, I want to—

Some Honourable Members: Oh, oh.

Mr. Speaker: Order.

Point of Order

Mr. Praznik: I recognize fully that the Minister of Education is a new member and not fully aware of the rules of this House, because the act has not been committed, but I would ask the Speaker, given his remarks that he was standing, and his belief, it appears, that he is closing debate, that this is a motion by the Member for Fort Garry (Mrs. Smith) who, if she is recognized a second time closes debate, but that other members are free to speak after him, that he is one of our members and does not have the ability to close debate on this particular motion. He is not the mover of the motion.

I think it only fair to the Minister of Education that he at least know that before he relinquishes his chair, as it may affect whatever comments he wants to make.

Mr. Speaker: Order. The Honourable Minister of Education and Training, on the same point of order.

Mr. Caldwell: Thank you, Mr. Speaker. Of course, I was cut off in mid-sentence. Indeed my intent was for me to close my remarks on this particular matter as I think there has been enough said on this matter.

Mr. Speaker: Order. On the point of order raised, this motion was moved by the Honourable Member for Fort Garry (Mrs. Smith). If the Honourable Member for Fort Garry was rising a second time, any person that moves the motion and rises a second time would have to make that clear to the House in case there are other speakers. So the Honourable Minister of Education and Training would not be able to close debate because the motion is on behalf of the Honourable Member for Fort Garry.

* * *

Mr. Speaker: The Honourable Minister of Education and Training, to conclude his comments.

Mr. Caldwell: Of course, Mr. Speaker, in closing the debate from this member of this House, the issue here is educational excellence. The issue here is providing the best quality of education in the province of Manitoba as it is on every issue that the Department of Education and Training undertakes.

* (16:00)

I have the utmost respect, as do members of the Government side of the House, for home educators, for public school educators, for private school educators, for post-secondary educators in the province of Manitoba and those who share the values of educational excellence within all the realms of education in this province of Manitoba. The debate on this particular matter has been very hurtful and very un-Christian, I might add, in some of the remarks that were made in this particular House.

It disappoints me profoundly as a Manitoban that that has occurred. Mr. Speaker,

we will continue, I will continue as I did yesterday and will in the future, to work with all in the province of Manitoba who care about the quality of education for the children of Manitoba. My comments in this regard consistently have been and the Government's perspective in this matter has consistently been to work with those in the field, as was reflected by the amendments, changing "register" and "registration" to "notify" and "notification." We have come a long way in this debate on this side of the House. We have not stooped to demagoguery, we have not taken a position that seeks to inflame this matter, seeks to promote fear, seeks to promote indeed—I will say it again. I was raised in a Christian household and had values that did not reflect some of the comments, some of the very intemperate comments that have been made in this Chamber. Certainly demagoguery should have no place here.

Mr. Leonard Derkach (Russell): I think this side of the House was quite prepared to begin the process of voting on the hoist motion, Mr. Speaker, but when the Minister of Education got up in his place and put on the record some of the comments that he made, it could not pass without this side of the House responding. It seems that it is a habit of this government to continue to put remarks on the record that are, first of all, inflammatory. Secondly he talks about Christian values. Well, I think it is very un-Christian to say one thing and do another.

We have people in this gallery today who represent the people who home school their children. Mr. Speaker, I remember standing on the steps on the east side of the Legislature, not on the front steps. These people were asked to meet on the east side of the Legislature on that particular day because it happened to be the day that the premiers from across Canada were arriving in the city, and so the Minister decided to meet with these people on the east side of the Legislature, out of view of the public, and that is a precedent in itself. There has never been a case where we have asked rallyers to meet with us at some other location of the building to try to keep them out of view. At that meeting, the Minister said he would consult with the home schoolers before he made any further adjustments and before this bill would pass.

He also said, on the steps of the Legislature that day, that Bill 12 would not be voted on that day, when in fact the two House Leaders had made other arrangements, so without even consulting with them he had gone ahead and made his own proclamation about what he intended this House to do when he had no control over what this House was going to do that particular day.

Besides that, Mr. Speaker, when he brought in the amendment that he brought forward, it in no way reflected what the home schoolers were asking for. In no way did it reflect those amendments that were put forward by my colleague, the Member for Fort Garry (Mrs. Smith), which reflected the thoughts and the wishes of the home schoolers. These were not amendments that were put forward by this side of the House alone. These amendments were put forward on behalf of the home schoolers of this province.

So the Minister says well, we are going to stay the Bill for awhile and it is going to give me an opportunity to consult. Well, did he consult? Well, I guess if you call consultation a call on the cellular phone. That is a new form of consultation, I suppose. But, Mr. Speaker, that is not the kind of consultation the home schoolers believed would happen. It is not the kind of consultation members on this side of the House believed would happen.

The Minister then stands in his place today and admonishes this side of the House for the comments that we have put on the record. He says he is being abused by us. Well, that is unbelievable. If he finds the heat in the kitchen too hot, he knows what he can do. I am sure there are members who are sitting in the upper benches who could fill that position very well, very adequately, and perhaps would even listen to the people of Manitoba much more so than this minister is at the present time. But Mr. Speaker, their premise is that they won the election and so they will do as they choose. Put the hammer down, do not listen to Manitobans, do not consult, because we know better. That is just not the way it is in this province. That is just not the way you build relationships. That is just not the way you build rapport with interest groups, with people who have a stake in this

province, with people who are trying to raise their children in this province, to show some leadership, to have some values. That is not the way you do it.

I want to know, and we do not know to this day what is broken with this legislation. What was wrong with the approach that was taken before? Now the Minister has said, oh, sometimes the forms were not filled out. Well, whose fault was that? Does he not have a department that is supposed to be controlling that? He has about 2000 people in the Department, I believe, or 1800 people in the Department, and he should be able to tell his deputy minister that this is an issue that has to be addressed, instead of coming to the House with a bunch of gobbledegook legislation.

Mr. Speaker, how does this legislation help home schoolers? Who does this legislation help? It does not help anyone. What hidden agenda does this Minister of Education have with regard to home schooling? He does not fund home schooling. He does not provide any funding to the home schoolers of Manitoba. But he says, oh, this legislation now mirrors that of Alberta, and quite a different situation it is here than it is in Alberta. In Alberta, the province funds home schooling. It does not fund home schooling here in Manitoba.

So I say to the Minister of Education, if he wants to start pouring massive amounts of money into home schooling and then put some regulations in so that those dollars can be accountable for, that is a different situation. But that is not the current situation in this province. So this debate can go on for a few more days, I suppose. We will debate this issue because we feel strongly on behalf of the people who have a right, who have a democratic right to educate their children in the province of Manitoba and whose rights are being trampled on, trampled on by this proposed legislation that is before the House today.

The Minister's amendments do nothing to assist in this situation whatsoever. So I am not going to plead with the Minister. I think we have taken this as far as we can as members of the Opposition. We have put amendments forward which were not acceptable and yet the party

says, the Premier (Mr. Doer) of the province says we will listen to Manitobans and then he goes ahead and he cuts Manitobans off in committee and puts a closure motion in place.

* (16:10)

Mr. Speaker, we saw that in Bill 42 when the trustees were presenting. What difference would it have made to allow those people another five minutes or whatever to complete their presentation. This was a group that represented massive numbers of people across the province of Manitoba. These were the people who have been entrusted with the responsibility to take care of the educational needs of Manitoba kids. This government could not extend five or seven minutes to this group to allow them to finish their presentation. Now is that really wanting to listen to Manitobans? Is that really wanting to hear from Manitobans? Is that really consulting with Manitobans? Is that taking into account what Manitobans have to say?

So what has come of all of that presentation material that was made on Bill 12 and on Bill 42? What changes came about as a result? None.

None came forward because the Minister has decided that he knows best. He has closed his ears to Manitobans. He has closed his ears to the comments that have been made with regard to how this is going to take away the democratic right of the people who home school their children.

Mr. Speaker, I did not home school my children. My children went through public education. But that does not mean I should not have some regard for people who want to home school their children for religious beliefs or for whatever reason they feel that they should home school their children, provided that their children do receive an education. As a government, there is a responsibility to ensure that every child in this province receives an education, and that is acceptable.

Also in the regulations that are in the Department of Education, there is some accountability with regard to the children who are being home schooled. People who home school their children do report, do notify the

Department that they indeed are home schooling their children. What was the cause for bringing in this kind of draconian legislation? Why is it so necessary to press ahead with this now? Why cannot the Minister understand that by waiting six months, this in fact could become better legislation. It could mean that they would indeed have better legislation that would meet the needs of these people in a better way. Or is there a hidden agenda here? Are we fulfilling a commitment to somebody that we made a commitment to during the election campaign that we are obliged to fulfill now?

We did not see a promise on Bill 44 during the election campaign, nor did we see anything mentioned about labour legislation during the economic summit that the Premier (Mr. Doer) held in this province. That was not mentioned.

All of a sudden, in the summer months when everyone is out on holidays, they bring in a bill regarding the labour legislation in this province hoping that as people are away on holidays we are going to slide this legislation through without too much controversy, without too much notice. Is this the reason? Is there another hidden agenda with regard to Bill 12? Are we still going to find down the road that indeed this is another one of those issues where a commitment was made to somebody during the election and this is a payoff.

It certainly was not made to the home schoolers. It certainly was not an issue that was discussed with home schoolers prior to the election or during the election campaign. I wonder. I truly wonder what the agenda of this minister and this government really is when it comes to home schooling. Now the Minister says that we are politicizing this issue. Excuse me. Who is politicizing what? We have a responsibility as Her Majesty's Opposition to ensure that we hold the Minister accountable. That is what we were doing.

He is not accountable. He is not accountable here. He is not accountable to the home schoolers. But yet, he says we are abusing him. Then he says we are politicizing this whole issue, because we are asking him some questions, questions he cannot answer, questions he does not have answers for. Now that to me

seems to be a little bit arrogant, does it not? When you cannot answer the questions, when you cannot supply the reasons why you are bringing in this legislation, you hold up your hands and say: This is politicization. They are abusing me.

I say if the heat gets too much for you in the kitchen, it is time to get out. I know that there are other members in the upper benches who would replace this minister very quickly.

An Honourable Member: Or at least turn the oven down and let it cool down in six months.

Mr. Derkach: Yes. That is exactly what we are asking, Mr. Speaker, is that perhaps we turn the oven down for six months and allow things to cool off a bit.

The Minister will say: Well, why are we making such a big fuss about this legislation? They said the same thing about Bill 44. Why are you making such a fuss about such minor changes to the Bill? These are not minor changes. This is simply taking away the democratic rights and freedoms of people. It is trampling on their rights and freedoms to educate their children as they believe. Once we get on that slope, we are on a very slippery slope, because it is easier then to bring legislation and regulation in that takes more and more of those freedoms away from those people. That is why these people are here, because they understand that this is not the end all. This is not where it is going to end. This is the beginning of getting on a slippery slope. We do not know what this minister is going to do through regulation. We do not know what he is going to do in the next session with regard to home schoolers. We do not know that.

The Minister brought in an amendment, and in his amendment he talks about parents registering their children through a prescribed form. Well, who has developed this prescribed form? Has it been developed in consultation with the home-schoolers association? Has it been developed in consultation with anyone? This form is a mystery. It is yet to be developed, but it will be prescribed by whom? By the Government, by big brother. Now home schoolers are going to be compelled to live with

that prescribed form, with those regulations, with this legislation, whether they like it or not.

Now the home schoolers have been here day after day, awaiting the passage or the removal, the withdrawal of this legislation. We have asked that this bill be withdrawn. The Minister would not withdraw it. So we said, alright, if you are not going to withdraw it, we will bring in some amendments. He would not accept the amendments. Okay, if you are not going to accept the amendments, we are going to ask you to hoist this bill for six months, bring it back after you have had time to consult. What is the urgency? School is starting in two weeks.

Now surely we can continue educating our children for another year without imposing these kinds of regulations on them. But the Minister says: I know best. I am right. Home schoolers are wrong. He comes into the House and he says: I am being abused. I am being ill treated. Well, he is not being ill treated. We are not attacking the Minister on a personal level. We are saying he is wrong in the way he has approached this issue. He is wrong in bringing in this legislation. He is wrong in not consulting with the home schoolers. Who has he consulted with? He has not told us. He just says he believes in consultation. I believe in consultation, too, but if you say it, then do it, walk the walk, as they say.

So, Mr. Speaker, there is no way that we can ever support this legislation. There is no way that we can support the amendment, that weak amendment. The amendment that means nothing, does not change the Bill in any substantive way. We cannot support it. What we ask the members on the opposite side of the House to do, I ask the Member for Rossmere (Mr. Schellenberg), the Member for Interlake (Mr. Nevakshonoff)—

An Honourable Member: The Member for Flin Flon (Mr. Jennissen).

Mr. Derkach: Sure—who have home schoolers within their jurisdiction, to support the home schoolers within their jurisdiction and vote to have this bill lifted for six months. They have a responsibility. Those people elected them. They have a responsibility to them. Why are they

abandoning these people by not supporting them in terms of hoisting this bill for a period of six months?

* (16:20)

I am going to conclude my remarks by simply stating that there is no way on Earth that I will vote for this legislation. I will support my colleague the Member for Fort Garry (Mrs. Smith) in this hoist motion. I call on members opposite to vote with their conscience, to vote in support of the home-schooling children of this province, who indeed work towards excellence in the education system and to support them in hoisting this bill for a period of six months. Thank you, Mr. Speaker.

Mr. Speaker: The Honourable Member for Fort Garry, second time, to close debate. Are there any other members wishing to speak? The Honourable Member for Fort Garry, to close debate.

Mrs. Smith: I am going to just put a couple of comments on the record very briefly. I must say I was very saddened by a meeting I tried to go to across the House to speak with the Minister of Education (Mr. Caldwell). What we wanted to do today was not a personal attack on the Minister of Education. What members on this side of the House wanted to do today was give the Minister of Education a chance one more time to take a six-month period and to allow the Bill to sit so he would have time to collaborate with the home schoolers. When I went across to speak to the Minister of Education, he was so angry he would not speak with me. He told me that I feathered my bed, now I could live with it. I asked him to reconsider the Bill, and the Minister said no.

I think it is very regrettable and it saddens me to think that I went after the wishes of the home schoolers because I believe in democracy. Members from this side of the House believe in democracy. Today we had a golden opportunity to enable the Minister of Education to be a hero, not to bring him down, and yet not let go of his bill. The veiled, threatening way the Minister talked to me, I do not know what to expect in the next few days, but I can imagine I will be watching very closely. I think it is incorrigible

that in a Legislature like this we let our personal emotions get in the way of doing the business for the children here in Manitoba.

I personally have no biases. I endorse the public school system. I endorse the home schoolers. I endorse the independent schoolers and independent schools. I want to put on record that any group that comes to me I will address their concerns, because that is what is my job to do. Today in this House we tried with the greatest respect, the most persuasion we could do, put down on record the fact that we disagreed with Bill 12 going through, and we stand by that. We do not want Bill 12 to go through. We are looking at the education of the home schoolers in this particular instance because this is the Bill we are dealing with. We want the Bill withdrawn. I think it is very regrettable that the Minister is so angry at the stand I have taken and insinuating that that is the only stand I have.

Mr. Speaker, that is not the case. Today, as you know, across the House from time to time we try to negotiate. I know this is not the will of the Minister of Education, but I did not know that prior to going across. I thought with the six-month hoist motion that in good faith I could go across the House and sit down with the Minister. I said to the Minister, quote, unquote: "You could be a hero today. All you have to do is get your members across the way to just hold the fort, hold it for six months and meet with the home schoolers."

This is no slam against the independent schools. This is no slam against the public schools. We are looking at one thing. We are looking at the good of the home schoolers. We are looking at the children of the home schoolers. In this House in Manitoba, first and foremost we ought to be able to have a difference of opinion and yet try to persuade each other especially when we believe so deeply in it.

Members on this side of the House feel very deeply in the democratic society, the right of choice for all Manitobans, whether the choice is to home school, whether the choice is to attend public school, whether the choice is to go to French immersion, whether the choice is to

attend independent schools. Of our six children personally, Mr. Speaker, we have experienced every single one of those schools. We do have six children. Two went through public, two went through French immersion, two went through the independent school system. I have a high respect for every single method of school learning and educating here in the province of Manitoba.

So it is with a heavy heart that I have felt the Minister's hostility today, because I have said in this House openly that I do respect the Minister. The Minister has a very powerful office. I know when I walked across the House and was treated in this very hostile manner, it was a complete surprise. I want on the record, Mr. Speaker, that this is not because I do not respect the Minister of Education (Mr. Caldwell). It is because I disagree with the issue.

I believe and members on this side of House believe that Bill 12 should be recalled. We had no other way to do this except to call for a hoist motion. If the members across the way are listening, we still have one chance to just put it on hold. The world will not come to an end if for six months members across the way could just put the Bill on hold for six months and have open dialogue and collaboration with the home schoolers.

Even though this has been a regrettable incident with a veiled threat and with very angry remarks from the Minister of Education to myself personally, I can understand in some cases when emotions run high. I guess, Mr. Speaker, maybe the Minister of Education should note that maybe the emotions run high with home schoolers too. Maybe emotions run high with public school parents as well. Because, you see, when you get at the very essence of what you believe, that is what you are committed to. That is what this wonderful country is all about.

Having said that, I know we are going to be going into a vote soon, and I would ask that the members opposite, instead of digging in their heels and sitting down—and I do not know what is meant by I have made my bed and I have feathered it and the veiled threat thing. I am sure that is just an emotional outburst. But having said this, I would hope that saner minds would

take note and cooler heads would take note, and I respectfully ask the Minister of Education, who holds a very powerful office in this province of Manitoba, that he would live up to the aspect of the fact that he is responsible for all children in this province of Manitoba.

It is unfortunate that the members opposite are not listening to what I have to say, Mr. Speaker. I am trying to address the Minister of Education to appeal to his second thoughts. This is a very serious matter. We are elected by the people for the people. That means when heartfelt pleas are made from members of our society here in Manitoba, it behooves us as elected people to listen and to come to a consensus and an understanding.

* (16:30)

Today I respectfully ask the Minister of Education from the bottom of my heart to please consider just six months. It is not going to end the Government. The world is not going to end, but it gives us time to work together. I would applaud the Minister very highly if he could do this today. And I would applaud the members opposite who, in their consciences, sitting at their desks can address the wants and needs of this group.

The Minister of Education also told me that he had two calls compared to one call, two calls against home schoolers, one call for home schoolers. The connotation was he had many more calls against this.

Mr. Speaker, I might point out a few things: One, Members on this side of the House have never gone to the media about this issue at all, out of respect for the Minister's office. Members on this side of the House have told the Minister every single thing that was happening and why it was happening. I personally, as the Member for Fort Garry, have sat down beside the Minister of Education. There are not a whole lot of home schoolers in my particular constituency. I did this because this is what we need to be doing as government and members of the Opposition here in Manitoba. It is a right to democracy. I have been very above board with the Minister of Education.

Today, I think the Minister can attest to the fact that I did say, you know, today you could really win on this one. You could be a real hero. You know what? I would never have brought this out publicly if I was not shaken by the anger of the Minister and the veiled threat. Maybe it was not a threat, but to me it seemed like a very strong threat. I have feathered my nest. I do not know what that means. Where are the troops coming from?

But from my heart of hearts I want what is best for the students in this province. I would like to work with the Minister of Education to achieve this. Having said that, I do want the Minister respectfully and the other members, it is not only the Minister, it is not only his responsibility, but it is mostly his responsibility because he is the head of the education system here in Manitoba. So I want a recorded vote because I want each of those members, members opposite, Mr. Speaker, to vote according to their convictions.

As I put on record, I will put one more time: Any segment of the education system, whether it is home schoolers, people from the public school system, parent councils, independent schools, French immersion, German schools, any aspect of education, I, personally, as the Education critic am committed to taking their views forward and to work in collaboration with the Minister of Education to ensure that these students get the best possible education.

Having said that, I say in closing, Mr. Speaker, it is with a heavy heart that I feel this incident had to happen, because I feel that we should be looking at the good of the children and not meeting behind closed doors with angry minds, saying I am going to get her, or I am going to get him; they will be sorry, in our minds. What we should be looking at is working together, and I trust that this will happen.

Mr. Speaker: Is it the pleasure of the House to adopt the amendment?

Some Honourable Members: Yes.

Some Honourable Members: No.

Voice Vote

Mr. Speaker: All those in favour, say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

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

Formal Vote

Some Honourable Members: Yeas and nays.

Mr. Speaker: Yeas and nays.

Mr. Speaker: A recorded vote has been requested. Call in the members.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Cummings, Dacquay, Derkach, Driedger, Dyck, Enns, Faurshou, Filmon, Gerrard, Gilleshammer, Helwer, Laurendeau, Loewen, Maguire, Mitchelson, Penner (Emerson), Penner (Steinbach), Pitura, Praznik, Reimer, Rocan, Schuler, Smith (Fort Garry), Tweed.

Nays

Aglugub, Allan, Asper, Barrett, Caldwell, Cerilli, Chomiak, Dewar, Doer, Friesen, Jennissen, Korzeniowski, Lemieux, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Nevakshonoff, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Selinger, Smith (Brandon West), Struthers, Wowchuk.

Madam Clerk (Patricia Chaychuk): Yeas 24, Nays 29.

Mr. Speaker: I declare the amendment lost.

Mrs. Louise Dacquay (Seine River): I am pleased to be able to put some comments on the record at third reading stage. My first comment

is that I am very disappointed that the Government, and in particular the Minister of Education (Mr. Caldwell), did not see fit to indeed adopt the motion to have a second look at this legislation. We afforded them with the hoist motion an opportunity to sit down and consult and try to reach an agreement and then bring back legislation that definitely would have been better legislation.

* (16:50)

This government has always prided itself, and in particular the Premier (Mr. Doer), in saying that they would consult. Well, they are proving that they are not good for their word. The issue before us is a very serious issue. I want to quote from a brief that was presented to the Minister and the Government of Manitoba on August 13: Home-educating parents see in home education a strong opportunity to build family unity and loyalty in a day when the divorce rate is climbing and the social unit of a family is under extreme pressure. The commitment that these fathers and mothers make to teach their own children is creating strong emotional bonds which can only be healthy for Canadian society.

Never before in Manitoba have the home-schooling parents come under so much scrutiny as they have with this proposed Bill 12. They question why in Manitoba this government is appearing to be so much more controlling and intrusive in the lives of families than two governments that have considerable home-school parents, both, by the way, who are under NDP governments, British Columbia and Saskatchewan. All of their inputs have been totally ignored by this minister and this government. It is regrettable.

As I indicated the other day, the population of home-school students is in excess of 2000 students. The parents still pay school taxes but do not derive any monetary benefits from the Government for schooling their own children. In fact, it has been estimated that home-schooling parents save the provincial government in excess of \$8 million annually, and that does not even take into account the savings at the local school district level. This is a large sum of money in terms of education costs.

We on this side of the House feel that the home schoolers are entitled to have the flexibility to determine the method, content and timing of home-education programs because they have a proven track record, and they have had a considerable degree of success. This is definitely a dedicated commitment and investment by the parents.

The intrusiveness of this government becomes more and more evident on a daily basis. This bill was so disturbing to the parents of home-school students that they themselves organized. To show their sincere commitment, they have appeared day after day in this gallery, have sat very attentively, listened to the debate and the discussions and have not received one single bit of consideration by the members opposite. This bill could have been worked out with the home schoolers. They indicated on more than one occasion that they were willing to sit down, discuss, and try to come to a compromise in terms of the requirements and the clauses contained in this bill.

The reporting process—I questioned the Minister myself in committee and was told that it would be a regular form. Shortly thereafter, I think about two days later, we then found out that the form had already been received by the parents and had considerable change compared to the reporting form used in the past.

We are not sure why the government is insisting on introducing this legislation. The home schoolers did not ask for it. Who asked for it? Who asked for this legislation? In the eyes of the home schoolers, everything was working well. The Minister even admitted that there were no complaints, that the home-school parents were complying with the regulations. So why is this legislation before us, and why was there no consultation?

It is extremely disappointing, and we in opposition, I believe, did the honourable thing. We introduced a hoist motion, and we did that sincerely to afford all parties the opportunity to sit down, consult, discuss, and see indeed if there could not be consensus reached.

Mr. Speaker, I just want to say in closing that I am very disappointed. This government

portrayed itself as a different kind of government, a listening government, a consulting government, but they certainly in less than a year have shown that their words were not sincere, not accurate, and they continue to push through legislation without consultation.

Mr. Glen Cummings (Ste. Rose): Unfortunately, I think the Government has embarked on the process of Bill 12 without having adequate reasons or without having thought about the consequences of their actions. If this minister would take the time to think about the reality and the reaction of the people involved in home schooling and if he would consider that in fact the hoist motion that was just defeated was in fact a friendly gesture in terms of allowing him the opportunity to save face with the home-schooling community and take the opportunity to review and discuss, then he might well not find himself in this ongoing debate this afternoon.

I wanted to put on the record that I think the Minister probably embarked hastily upon this process. Certainly his words on the steps of the Legislature were comforting. He extended the hand of friendship. He wanted to listen. He was prepared to be conciliatory, but nothing in his actions since then have indeed demonstrated that was what he had the intent of doing. Either that or he is alone in caucus and no one else on the Government side of this House is prepared to listen to the arguments that he should have taken forward on behalf of the home schoolers. Either way, it is an unfortunate situation.

I want it put clearly on the record that the fact is the home-schooling community is, according to their brief and according to what I know from having spent a number of years as a trustee in the public school system, Manitoba is quite well regulated as a regime that is well known and accepted by all sides. It is not an area where additional regulation or imposition of government policy needs to be brought to bear. I appeal to this government that, at the very last moment, the least they could do is back off and consider an opportunity to consult further on this bill. Take it on whatever grounds they want, but consult. Do not just sit quietly and forge ahead with the original intent of this bill.

All of the other technical aspects of the Bill have been thoroughly spoken to. I simply wanted to have the record show that this is one time when the Government could have saved itself a lot of grief, had it been willing to in fact follow up its kind words, its gentle words, and been willing to follow them up with similar action, we would not be having this debate this afternoon.

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

Voice Vote

Mr. Speaker: All those in favour, please say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

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

Mr. Marcel Laurendeau (Opposition House Leader): Yeas and Nays, Mr. Speaker.

* (17:00)

Mr. Speaker: A recorded vote has been requested. Call in the members.

Order. The question before the House is that Bill 12, The Public Schools Amendment Act, be now read a third time and passed.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Aglugub, Allan, Asper, Barrett, Caldwell, Cerilli, Chomiak, Dewar, Doer, Friesen, Jennissen, Korzeniowski, Lemieux, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Nevakshonoff, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Selinger, Smith (Brandon West), Struthers, Wowchuk.

Nays

Cummings, Dacquay, Derkach, Driedger, Dyck, Enns, Faurschou, Filmon, Gerrard, Gilleshammer, Helwer, Laurendeau, Loewen, Maguire, Mitchelson, Penner (Emerson), Penner (Steinbach), Pitura, Praznik, Reimer, Rocan, Schuler, Smith (Fort Garry), Tweed.

Madam Clerk (Patricia Chaychuk): Yeas 29, Nays 24.

Mr. Speaker: I declare the motion carried.

Point of Order

Mr. Faurschou: Mr. Speaker, I rise on a point of order this afternoon. With all members present, I would like to air a concern in regard to the House procedure in regard to asking members of this Assembly to vote on a bill without the consideration of being able to peruse Hansard on the Committee hearings that were held to allow for public input. Many members here did not have the opportunity to hear from the public in regard to Bill 12. Hansard is yet to be circulated. I believe that all members would appreciate that opportunity, and I would like to suggest to this House this afternoon that House leaders on both sides of the Assembly take the opportunity to get together and attempt to resolve this concern, as I believe that members are being asked to vote on a bill without the opportunity to have and to see the public input that came through the Committee procedures of this House. Thank you.

Mr. Speaker: The Honourable Government House Leader, on the same point of order.

Mr. Mackintosh: Mr. Speaker, there is no departure from any rules. What is taking place has been going on for as long as Hansard has been here, I am sure, since 1958. What I can say, and I know the Member is not reflecting on the abilities of Hansard, but I know they do prioritize the proceedings of the House for transcription. They work very, very, very hard. We all appreciate that, and I think at this time we can, through myself, all express our appreciation for the hard work they do. But I know that they turn their mind to committee hearings and move as quickly as they can.

I know in following committee hearings, we do have reports within our caucus as to how things went and what the nature of the presentations were. The people in the Committee, of course, will have first-hand understanding and the Minister is always present. So there are those checks and balances in the system, but, Mr. Speaker, I would suggest that is not a point of order, although, if there is an issue about resources to Hansard, perhaps we can discuss that at some point. I know before the Legislative Assembly Management Commission there have been discussions about how we can deal more effectively with Hansard operations, Mr. Speaker.

Mr. Faurschou: Mr. Speaker, I do not want my comments to be interpreted in error. This was no slam or reflection upon the very capable staff that we have working in the Hansard office. It was merely an observation. Thank you.

Mr. Speaker: On the point of order raised, I will look at maybe getting the members together to see if we could maybe discuss something to facilitate a process of trying to ensure that all members have Hansard. I thank the Honourable Member for his suggestions.

* * *

Mr. Mackintosh: Mr. Speaker, it would be my intention in discussion with other members to move into Supply for concurrence, but I wonder if you could canvass the House to determine if there is leave not to see the clock at six o'clock until eight o'clock.

Mr. Speaker: Is it the will of the House not to see the clock until eight o'clock. *[Agreed]*

* (17:10)

MATTER OF PRIVILEGE

Mr. Speaker: The Honourable Member for Lac du Bonnet (Mr. Praznik), on a point of privilege.

Mr. Darren Praznik (Lac du Bonnet): Yes, thank you very much, Mr. Speaker. Points of privilege are very serious matters. I can assure the House that, although I am sure that this one will be corrected by the Minister, it is important

to be brought to the attention of the House because it is a breach, I believe, of our collective rights of members of the House to have accurate information provided to us.

During the course of the hearings on Bill 44, we have seen the Minister of Labour (Ms. Barrett) make a number of statements that we on this side of the House believe do not represent history, do not represent the facts.

Mr. Speaker, I am rising at the earliest opportunity because I have just had the opportunity to confirm the information to make the prima facie case with the Clerk's office. The document that I am going to refer to was just recently issued by the Minister of Labour on the Government news service, which is part of the operation of our Assembly in which ministers communicate with the general public.

Earlier today, the Minister of Labour issued a press release announcing amendments that she will be proposing, I take it later today, in committee on Bill 44. In the course of Bill 44 going to committee, there has been a great debate in this House over the procedures moved by members of the New Democratic Party by the motion to require all presenters to make their appearance in the wee hours of this morning, up till 5:30 this morning, a motion moved by the Member for Brandon West (Mr. Smith), one that our members opposed.

We understand that there were 12 presenters at that committee who did not have a chance to present, were not able to remain into those wee hours and, you know, we have trouble with this. We believe that the Government has an obligation to allow those people to be heard.

But what we are most concerned about with this matter of privilege is the Minister of Labour (Ms. Barrett), in her press release, issued as a government document provided to each member of this House, in her document states that over 70 people appeared before that committee. Over 70 appeared before that committee. Well, appear means not sending in a brief to be read, not leaving a brief. It means appearing before the Committee, being heard by the Committee, having a chance to be questioned by members of that committee in whatever time was allotted.

When we checked with the Clerk's office, they advised us that only 61 presenters appeared before that committee. Now, perhaps a clerical error, but given that this government is trying to cover up already the fact that they had to move a motion to shut down the Committee, that the New Democratic Party members of that particular committee were unable to find it within themselves to allow an additional 12 presenters, who could not stay till 5:30 in the morning, to allow them the opportunity to be heard today.

Mr. Speaker, they could have asked. They could have even put the challenge out to members of this side of the House to give concurrence to allow for the concurrent sitting of that committee this afternoon with the House to hear those other 12 presenters. At 20 minutes a piece, it would have been three or four hours. Those 12 Manitobans who could not stay until 5:30 in the morning, who did not have written presentations, the New Democrats, if they had just used the kind of common sense that the Member for Thompson (Mr. Ashton) always suggested in his career to us when we were in government, and it was good advice, they could have been heard.

So we think that this reference to over 70, when the information could have been easily been ascertained to the exact number by the Clerk's office, as we did, asking the table officers, who here confirmed today that it was only 61, that we believe it makes a prima facie test that this was done deliberately by the Minister to imply that the numbers appearing before committee were actually higher than they were.

Why we get very suspicious, again, about this whole incident is the Minister quoted today in the *Free Press*, and she has clarified that somewhat, about talking about how unique these committee hearings—that she has been so generous in allowing Manitobans three opportunities pre-scheduled to speak.

I raise this because it speaks to intent. As you well know, section 494 of *Beauchesne's* tells us that we must accept the word of all honourable members. Therefore, the information the Minister of Labour has placed on the record must be accepted, if it was accurate and correct

information. She has placed it on the record through the government news service, Mr. Speaker, when it in fact is not accurate.

We know that the question arises: Was it done deliberately to bolster position? Well I want to make some argument towards that. It became very evident in listening to the Minister today in the House, listening and reading her comments. Someone corrected during Question Period to the media, where she said, or led it to believe, that it was not uncommon for legislative standing committees to sit more than three times. She made it a point that it was somehow a great gift to the people of Manitoba that the House Leader had prescheduled those committees, and that somehow, this should satisfy those who did not get a chance to speak. I am not even talking about the many presenters to that committee who had to stay there until 5:30 in the morning to be heard by a government who says it is the Government of the people. I am talking about the twelve or so individuals, who members opposite, who the Premier in setting the tone of this government could not find within their charity and their sense of democracy, to have the opportunity to appear today at business hours. We would have certainly given leave as we have for that committee to sit concurrently.

But back to the question of intent. The Minister of Labour has somehow implied and made remarks that this was normal in a contentious bill to have three sittings. Well I just want to alert you, Mr. Speaker, if you peruse the records of this Assembly, you will find that on Bill 22 the reduced workweek bill which was again very contentious, there were 108 presenters. That committee met eight times, not three but eight. I would also point out, if you peruse the records of this House, that the Standing Committee dealing with Bill 67, related to the Manitoba Telephone System heard 85 presenters, and met not three times, not eight times, but eleven different occasions to accommodate 85 presenters.

Well, I am told here we had 70, a few over 70 or 78 presenters, something in that neighbourhood, very similar numbers to this bill. This Minister of Labour says three is average. Three is great Three is fine. We will shut it down after three, and oh, we remember the

Conservatives at MTS. Well, our members had eleven, not one, not three, not eight, but eleven sittings of that committee to accommodate some 85 presenters.

Now, Mr. Speaker, in the Standing Committee that dealt with Bill 26 which amended The Labour Relations Act again in 1991-92, we had 52 presenters. Now, with 52 presenters: Do we think that that committee with less presenters than now, met only once or twice? Not at all. It met on five occasions to accommodate those 52 presenters.

* (17:20)

It is absolutely clear that in all of these other similar contentious bills the Government majority, Progressive Conservative members and Liberal members on those committees in past days had far more meetings than three to accommodate the length of presenters.

Last night, we witnessed the spectacle of the New Democratic Party, who supposedly, whose Premier and whose minister says we want this bill to go to committee to listen to Manitobans, shutting it down after only three and leaving twelve, not a hundred and twenty, not fifty, not hordes of people who would hold up this bill, but twelve citizens of this province, denying them the right, denying them the opportunity to address that particular committee. The Member for Brandon West (Mr. Smith) should be very proud, I imagine, of him being the author of the motion to shut it down and deny those twelve people.

So we know from the history of the matter that governments in the past, Conservative governments in the past with the same number of presenters with equally contentious bills allowed for many more sittings before those committee hearings were complete. So knowing that, Mr. Speaker, factually, there are only 61 presenters according to the Clerk's office—and I just checked with our table officer—who made presentations to that committee. *[interjection]* Well, I want to read these. I just want to read these in just to verify that those who appeared on The Labour Relations Act include Mr. Gordon Peters, Cando Contracting, Joyce Reynolds, Canadian Restaurant Association, Jan Speelman,

Manitoba Teachers' Society, Roy Eyjolfson, Seagram Company Ltd., Gimli, Heather Ostop, private citizen, Peter Woolford, Retail Council and many others. *[interjection]* Well, the Member wants me to read the list. I will.

The fact is that 61 presenters appeared, and the Minister of Labour (Ms. Barrett) says over 70 appeared before the Committee. Well, Mr. Speaker, the Minister of Labour has a duty and an obligation to bring accurate and factual information. During the course of this debate on her bill, on Bill 44, many times she has not been factual and accurate in the information that she has brought, and she does it again. We believe that given that it could have easily been ascertained by her staff and by her as to the number of presenters, that her exaggeration of the number was deliberate to attempt to cover up in this press release the fact that the New Democratic Party members shut down that committee last night, had people stay till 5:30 in the morning, shut it down after only 3 sittings and have 12 Manitobans who could have easily been accommodated if their House Leader had called the sitting for this afternoon to hear those presenters. They shut it down and denied those people access to the Committee.

Mr. Speaker, we are not talking about hordes of people who would have tied this bill up for weeks or months. We are talking a few hours this afternoon that members of the New Democratic Party in their arrogance could not allow 12 Manitobans who could not stay to 5:30 in the morning. Then to bring forward a press release to exaggerate the number of presenters to try to make it appear as if they heard people who were not there, it leads us to the view that there is a phantom group of people they consult with who they included in the numbers. We think that it is shameful that this Minister of Labour (Ms. Barrett) would put such false information on the record with this press release provided by the Government service.

We believe she and her party have an obligation to be honest in the information to put out. So we look at this—*[interjection]* Well, the Member for Wolseley (Ms. Friesen) said all members are honest. Well, the Minister's press release says over 70, the Clerk's office says 61, and we know that this minister, in talking to the

media, in making statements, tried to leave the impression that three sittings for this committee and shutting it down was the normal course of business, when the record proves otherwise.

So what conclusion could one draw but that this was a deliberate attempt by this minister to bolster her weak and weakening position that somehow she is listening. This is a minister who did not take these matters to the century forum that the Premier held, nor did the Premier. She did not raise it with any of the business leaders there or labour leaders. She did not have it included in the Throne Speech. She did not take it to Labour Management Review Committee. She pops up at the eleventh hour in the latter part of the session with some very serious changes to Manitoba's labour law, and then she says in this House, when we are in the debate on second reading, well, let us just move it through to committee because I want to hear Manitobans. She did not listen to them before. Well, maybe some would have given her the benefit of the doubt, and she would have wanted to listen to them at committee, but she gets into committee, and her colleague the Member for Brandon West (Mr. Smith) moves this motion, forces many to stay till 5:30 in the morning, shuts it down, denying 12, just 12 Manitobans who could easily have been accommodated today. She cut it down and denied them the chance to speak and then puts out a press release through the Government news services indicating that there were more presenters than there actually were.

We raise this at this time because it was just brought to our attention. We had just the opportunity to confirm the numbers with the Clerks. I would draw the Speaker's attention to the fact of Madam Speaker Sauve's ruling, which forms part of *Beauchesne's* Citation 62 which deals with such matters, that the Speaker there stated "in the context of contempt, it seems to me that to amount to contempt, representations or statements about our proceedings or of the participation of members should not only be erroneous or incorrect, but, rather, should be purposely untrue and improper and import a ring of deceit."

We believe that we have made a prima facie case. The Minister put out a press release. It was provided to all members of this Chamber

through the Government service. It has a number which, compared to the number provided by his own staff, is incorrect, and given the statements of the Member with respect to the operation of this committee, that were just so out of reality, untrue that I think it supports the argument that it was deliberately done to mislead the public and that consequently she has breached the privileges of all members of this House.

Before I move this motion, I have only one copy of the press release, which I would like to table for the benefit of the Speaker. I have only one copy that has been provided me. I table it in support of our case. I understand that the Clerk who could provide the exact number is busy in committee, but his own staff can provide that information as to the accurate numbers of presenters. I would also suggest that if the Government argues that "appeared" includes those who were forced to leave written presentations, a plain view of the word "appeared" means coming before the Committee, making their presentation and that they are subject to questions. So I believe that all is in order for your consideration and the prima facie case has been made.

That is why I move, seconded by the Member for Russell (Mr. Derkach),

THAT this House finds the Minister of Labour in contempt of this House for purposely providing untrue and improper information about the proceedings in the Standing Committee on Industrial Relations in its consideration of Bill 44, thereby effecting the collective privileges of all members.

* (17:30)

Mr. Speaker: Before recognizing any other members to speak, I would remind the House that contributions at this time by honourable members are to be limited to strictly relevant comments as to whether the alleged matter of privilege has been raised at the earliest opportunity and whether a prima facie case has been established.

Hon. Jon Gerrard (River Heights): I will speak brief—

Point of Order

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, it is of course the practice that the caucus of the party to whom the matter of privilege is directed has an opportunity to respond, but more importantly than that, though, it is important that whoever wants to be recognized by the Speaker catch the eye of the Speaker. I thought I had the eye of you, Mr. Speaker, before you perused the motion, but I leave that with you. I was standing, Mr. Speaker, and sat down while you perused the motion.

Mr. Speaker: On the point of order raised by the Honourable Government House Leader, it is my fault as the Speaker. I was looking at the Honourable Government House Leader and I was not sure if he was getting up to speak or not. Then I saw the Honourable Member for River Heights. I have to apologize but I had recognized the Honourable Member for River Heights.

* * *

Mr. Gerrard: Thank you, Mr. Speaker. I will be fairly brief but I do think I have some significant comments to add to this consideration.

First of all, I would interpret slightly differently than my honourable colleague from Lac du Bonnet. I suspect that this was a mistake, that the Minister was quite tired because she had been here until 5:30 in the morning, and the reality is that when legislatures have to work around the clock people get tired and things do not get done properly. Indeed, that is exactly what happened. That the Minister did not do her job properly because she was tired, because in fact the NDP are conducting this Legislature in an inappropriate way, forcing citizens to come between 12 and 5:30 in the morning, if they want to be heard. This clearly is not an appropriate and functional way to conduct the business of this province.

This is a clear example of why the business of this province should not be conducted between 12 and five o'clock in the morning hearing citizens, that there are mistakes made, and when we are dealing with the laws of this province, this is far too serious a matter to be

making these kinds of mistakes, for whatever reason.

Clearly there were some very important items put on the table last night between midnight and 5:30 this morning. There were a lot of options. There were a lot of alternatives. These should be considered carefully before we rush ahead with this legislation. My friend, the Member for Portage la Prairie (Mr. Faurichou), made an important point, an important contribution earlier on that we should all have the Hansard proceedings so that we can, in fact, have available to us the contributions that citizens of Manitoba made during the course of last night before we proceed, as indeed we are at the moment, even as I speak to committee discussions.

There have been, indeed, some important developments this morning. The announcement by Rob Hilliard that the eleventh-hour labour had another option to put on the table to Bill 44. The announcement by the coalition that they applauded the contribution of Rob Hilliard and the initiatives that labour had made, and that they felt that it was time to consider this seriously and sit down and have some substantive discussions. The Government should clearly immediately withdraw Bill 44 and allow time for the discussions to take place and for the options to be considered.

This mistake, which the Minister has made, indicating that there were more than 70 presentations when there were actually 61, is a good example of why this should not be rushed. Clearly we should be considering this, which is so important to the people of Manitoba, with more care and at a more appropriate time of the day so that citizens of this province can feel that they really have had a hearing rather than a rush at the midnight hour, as it were, when they are tired, when the legislators are tired, as we can see so amply demonstrated.

Those are my points, Mr. Speaker. I will sit down now, but I think they are important to be considered.

Mr. Mackintosh: I find these remarks interesting because of course we have been seeing the media recently about the conduct of

the House of Commons in Ottawa. I understand it was on the Nisga'a treaty and on the clarity bill where the House of Commons was going around the clock, not on public presentations but on the actual construction of the Bill in the House, I believe, on report stage. They were going, and I think there were hundreds of amendments. I think it was the Bloc and the Reform Party. So, Mr. Speaker, I do not know what trail of reform the Member for River Heights leaves behind him in the House of Commons, but it did not look that good the last time I saw it on television.

But what this speaks to is this is a procedural matter, this is a procedural issue, this is a long-standing procedural issue in the Legislature of Manitoba. There is nothing that happened last night that has not been happening in this Legislature for years and years. Certainly in my days at the table, it was a common occurrence. I recall during the Lyon administration in an Agriculture committee being in there at five in the morning. We have gone later than that. We were in Bill 42 just a couple of weeks ago, and it went till 4:30 in the morning.

Mr. Speaker, on Bill 72. I mean here we have the Opposition saying, do not do what we always did. That is what they are saying. All of a sudden there is this newfound interest in procedural reform, I take it. It is interesting that they chose this one bill to come in with these wild allegations about closure of all things.

Now I just want to deal with the matter of privilege because that is what is before the House. First of all, was the matter raised at the earliest opportunity? I do not quibble with that one. I just assume that the Honourable Member had just received the news release, and the news release, to my understanding, had just gone out in the last few hours. Second of all, is there information on its face, according to the presentation by the Honourable Member for Lac du Bonnet (Mr. Praznik) that this was a matter of privilege. In other words, is there a prima facie case?

Now, Mr. Speaker, we recently had a ruling from you as to what constitutes a matter of privilege. Of course it affects the ability of each of us as individual members without regard to the particular office that we may hold in this

Assembly as to whether it affects our ability to do our job. That is the test. It has been held in the past of course that where it has been absolutely proven, where there is absolute evidence, it is incontrovertible before the Legislature, including and probably is restricted to admissions by members that they deliberately misled the House, may there be a finding of a prima facie matter of privilege.

I just want to get to the heart of the matter. We have the Member for Lac du Bonnet who stood up here and among the comments about how the Committee worked last night, which as I said, Mr. Speaker, was nothing unusual. It is how business has been conducted, eccentric as it may be that we sit at night when there are many presentations on particular bills. Maybe that is something that can be dealt with in a procedural way. But he essentially said this. He said that there was a press release issued by the Minister of Labour (Mr. Barrett), and he quoted. And I will quote from that press release: We have heard from many business people, unionists and members of the general public. Over 70 people appeared before the Legislative Committee to share their views and offer their ideas. From that he said that the Minister of Labour was deliberately misleading the House because 61 people made oral presentations to that committee.

There is no tie between any finding that there could be a deliberate misleading of the House by the Labour Minister and that statement. The Member simply did not make any case. What we understand from information received is that 61 individuals made an oral presentation at the microphone before the Committee and that 10 individuals or organizations provided a written brief for a total of 71.

* (17:40)

Now, Mr. Speaker, I do not know what information or how it was conveyed, what the wording was when the Minister's office or the Government had made inquiries as to how many presentations were made. But I imagine that we were advised that 71 presentations were made because that is the essence of what occurred. Is there a quibble about the word "appeared"?

There were ten written presentations that were given to the Committee. That is the basic fact. That is what this is about. What she was saying in there was that over 70 individuals or organizations had the opportunity to make their views known and were heard.

Mr. Speaker, it is well known, of course, to the Member opposite who made this and members generally, and I will just quote from *Maingot*: "Allegations of misjudgment on the part of a minister in the performance of ministerial duties do not come within the purview of parliamentary privilege." Then it goes on *Beauchesne's* Citation 31(1) says: "A dispute arising between members as to allegations of fact do not fulfil conditions of parliamentary privilege." Further, of course, the matter of privilege is based on a news release. "Statements made outside the House by a member may not be used as the basis for a question of privilege." That is *Beauchesne's* Citation 31(3). So, in every way, this is not a matter of privilege. There may be some dispute on the facts. I would say that is a real quibbling.

Seventy-one people made presentations. That is the essential fact. That was what was being conveyed by the Minister. There was absolutely no suggestion anywhere that there was some deliberately misleading statement, that the Minister of Labour (Ms. Barrett) deliberately misled anyone. Even if that could have ever been demonstrated, this is an allegation about facts. This is a dispute. This is based on a matter that involves something said outside of the House and would not, in any way, fulfil the condition of prima facie case of privilege, Mr. Speaker.

I just want to conclude by saying that the hearings took place as a result of discussions with the Opposition. It was agreed that indeed there should be, as a result of the discussions, three sittings. There were three sittings, Mr. Speaker. There was a sitting at 6:30 on Monday, there was a sitting at 10 a.m. on Tuesday and a sitting at 6:30 p.m. on Tuesday. That took place in order to ensure that there would be ample time for the presentations by the public to be made fully. And I say fully because, unlike members opposite, we have urged on the committees generally and we have been able to succeed in motions in committee to extend the time for the

public to give presentations, from 10 to 15 minutes, which is significant. As well, we have been able, despite the pressures of timing and all the other pressures that go on, as members we all know that, to provide two days notice. It is not a rule, not even a convention, but we have tried to make sure that kind of notice was given. We had even more notice in this particular case, because the Committee was ordered on Thursday and did not begin sitting until Monday night.

But, Mr. Speaker, I think it is important for members to know, and I think they do know this. I think there is a lot of tongue-in-cheek, quite frankly, on this because they have been very much a part of a process that was exactly the same as what unfolded last night in committee. They do not have to go further than Bill 72, and I urge them to look at that Hansard, because there were suggestions at that time that they stop at midnight. But, oh no. The Government at that time said: No, we are ploughing ahead. And they did.

I think what is important to remember is that when it becomes midnight in these committees, and you have individuals who have come down to the Legislature and they have sat there for five and a half hours, and for them to be then told that we are cutting it off, that is when the cut off happens, and be told to go home and come back another time when the House Leaders get together and after they decide on when we should have another committee, is I think very discourteous, to say the least, and that, Mr. Speaker, is where there could be allegations that individuals were cut off.

But is not the essence of democracy in practice when members of the Legislature sit in the Committee until the last person, indeed anyone else that even has not registered, wants to come forward and speak, is allowed to speak fully. The Committee sat there to the benefit of all the members on both sides of the House, who sat there into the wee hours. Not an uncommon experience, Mr. Speaker, but it is out of respect for democracy, out of respect for those who want to present to a committee that that process has evolved from. That has evolved from the long-standing practice. Democracy in Manitoba has as one of its features that process. There have been

debates over the years as to whether that is goofy or not, but it has always ended up with the conclusion that is actually accommodating to the public to continue to hear people at those committee hearings.

Indeed, there could have been some discussions, I am sure, about having another committee meet. There were discussions about 3 p.m. There could be, and there were not, but there could have been discussions about this morning I suppose, but we had all decided on three sittings for public hearings.

An Honourable Member: No.

Mr. Mackintosh: Well, the Member can explain that, but there was Monday at 6:30 p.m., there was Tuesday, at 10 a.m., and there was Tuesday, at 6:30 p.m. That was what the agreement was. It was put on the record, and so be it.

I do not know if that is even relevant, Mr. Speaker, but the point of the matter is eighteen and a half hours was what it took, and I say congratulations to democracy. I say congratulations to those members. I think we should thank and acknowledge those Manitobans who came down here and stayed up to make their point. I know many of them were very impassioned about their views.

I note in the comments in the paper from this morning, that the Interim Leader of the Opposition (Mrs. Mitchelson) said that the Government was trying to, was it quell or to quash opposition by cutting off presentations. Well, the actual experience last night was that I understand, this is from anecdotes and from our report from committee members, that at least two to one supported Bill 44 in committee last night.

An Honourable Member: Oh, I do not believe this.

Mr. Mackintosh: Now I hear somebody across the way saying, no, that is inaccurate, but that was what was related to me. That was the impression of people in our committee. I guess, you know when we get that Hansard, we can look at that. You know, I invite the Member to

provide his observations or what anecdotes were provided to him

Mr. Speaker, this is simply a procedural issue. It is one that engages some discussion about a long-standing practice and tradition in Manitoba's Legislature, one that is well known and been practised for a long time by Conservative members going right back, I suspect, a long time. But I certainly know from personal experience that it goes back at least until 1979 with my personal experiences in the House.

So, with that, I suggest that given the fact that there is no evidence of any deliberate attempt to mislead members of this House by any minister, that 71 presentations were indeed made, that was the essence of the information in the news release, that this matter really is superfluous. I think what we should do is discuss the substantive matters. I think that there is some very good debate that is called for on 44, there are some significant substantive matters regarding other legislation, and I urge us to deal with that, Mr. Speaker. Thank you.

Mr. Leonard Derkach (Russell): Mr. Speaker, I rise to speak to this motion that was put forward by the Member for Lac du Bonnet (Mr. Praznik), because I do believe that this is an issue that is a fairly serious one to the members of this Legislature.

* (17:50)

The issue about raising the matter at the earliest possible date, I think is one that was explained by the Member for Lac du Bonnet. He indicated quite clearly that it was a news release that was put out earlier this afternoon, and his first opportunity to raise the matter in the House came when he read the news release and indeed saw the discrepancy that was printed on paper as a news release from government.

Mr. Speaker, this is a serious issue because, if we are not accurate as people of this Legislature, as members of this House who are supposed to convey accurate information to the people of this province, then what is it that we are here to do?

I question the motive, because indeed in this issue that the Member for Lac du Bonnet (Mr. Praznik) raised the issue of motive has to come into play. I mean, what was the motive of the Government, instead of printing the accurate figure, which was 61 presenters, that that number was inflated to 70 and was printed on paper as a news release to Manitobans. You have to ask the question of what the motive of the Minister was in doing that. Of course the Government has come under some considerable fire in the last 24 hours with regard to the way they have conducted their affairs. Rightly so, because at no time in passing legislation and in dealing with committees have the members of the public ever been subjected to the kind of treatment that they have been subjected to in the deliberation of this bill.

So the Minister's motive in my view is to try and deflect from the issues that indeed are plaguing this government, the issues of closure, the issues of invoking closure, not on the members of this Legislature but indeed on the citizens of this province, the public of Manitoba. Cutting them off from an ability to make representation before a committee on a very significant piece of legislation.

This is not insignificant. This is not something that is frivolous. All you have to do is open the newspapers, look at the news media on television, listen to the radio, go to the coffee shops, and this is on the minds and the lips of most Manitobans today. It is not just the Bill. It is the way in which this bill has been presented, the way in which this whole process has taken place and the way in which this government has tried to slide it in, in the time when Manitobans are on holidays, at a time when not too many people are paying a great deal of attention to what is happening in the Legislature. However, it has certainly raised the issue to the attention of people in this province. Indeed the issue is one that is not going to go away overnight.

Mr. Speaker, the Minister of Justice (Mr. Mackintosh), the House Leader for the Government finds some objection to the Member for Lac du Bonnet raising the issue. He says this is not a matter of privilege; it is a debate over the facts. If that is the way in which we as legislators are going to treat issues of this seriousness then

any number could be put into that news release. The Minister could have said less than 1000 people presented in front of the committee. That could have been viewed as somewhat accurate because there were less than 1000, there were less than 500, there were less than 100. I think the public expect of us better than that. I think the public of Manitoba expect better of the Minister of Labour (Ms. Barrett) than this as well.

This is not the first time because during the committee process yesterday the Minister of Labour indicated that it is not uncommon for the legislative standing committee to sit more than three times. Well, I think the Minister, the Member for—*[interjection]* I am sorry. The Minister said that it is not uncommon for the legislative standing committee to sit more than three times. I have just quoted that from the press, but there is some debate about whether she in fact said that. Well, that is something that she is going to have to live with.

The fact is that the standing committee has sat more than three times on extremely important bills much of the time. As a matter of fact, if you go back through this particular bill, in 1996, this piece of legislation when it was amended in 1996, and you look at the number of times that that committee sat, it indeed sat more than what the Minister indicated here. So I do believe that there is an issue here. I do believe that there is a matter of privilege because indeed the Minister has misled and has, in my view, I think, interrupted or at least offended many of the members of this Legislature by misleading them in this House.

So I have to agree with the Member for Lac du Bonnet (Mr. Praznik) that indeed this is a matter that is serious enough for you to consider. It is a matter that is serious enough for this Legislature to consider, and we do not raise matters of privilege often in this House. We have not raised this issue of matters of privilege more than a couple of times or three times in a session, in this particular session. But I find it almost strange that we have to raise it in a time when this government is just getting its feet sort of wet in the process of being a new administration. I find it strange that we have to do that in its first term of office.

So, Mr. Speaker, although the Government House Leader finds this as being just a dispute over the facts, I would have to disagree with him, that this is not just merely a dispute over the facts, that there was really an intent on the part of the Minister of Labour (Ms. Barrett) to mislead Manitobans, to deflect from the issue that indeed was before her, the issue of cutting off the ability of Manitobans to make representation before the Committee. Indeed, it was a way to deflect from the issue of closure that was invoked on Manitobans last evening when the committees began. So that is the motive behind all of this.

The reality is that Manitobans were cut off. There was closure invoked yesterday in committee. We had a total of 13, I believe, 12 or 13 Manitobans who were not given the opportunity to present because of the way in which this matter was handled. It is inappropriate. What would it have cost the Government to allow some time for those 12 or 13 people to present before committee? What would this government have lost by doing that? It is the same issue. We saw that in Bill 42. It is the same issue of trying to muzzle, trying to invoke closure on Manitobans, trying to not allow them to speak.

I find that somewhat ironic when, in fact, the Premier (Mr. Doer) of this province has stood in this House on several occasions and has indicated that he is open to consulting with Manitobans, he is open to hearing them in committee. He was saying that he wants to hear them in committee, and then, when that opportunity came, the Government shut off the ability of these people to make appropriate representation to this government and to the people of Manitoba.

So, Mr. Speaker, in closing, I do believe that the Member for Lac du Bonnet (Mr. Praznik) does have a case here, and indeed I would ask you to consider this case very seriously. Thank you.

Mr. Speaker: A matter of privilege is a serious concern. I am going to take this matter under advisement to consult the authorities and will return to the House with a ruling.

Mr. Mackintosh: Mr. Speaker, I move, seconded by the Minister of Intergovernmental Affairs (Ms. Friesen), that Mr. Speaker do now leave the Chair and the House resolve itself into a committee to consider of the Supply to be granted to Her Majesty.

Motion agreed to.

* (18:00)

COMMITTEE OF SUPPLY

Consideration of Concurrence Motion

The Acting Chairperson (Harry Schellenberg): The Committee of Supply has before it for our consideration the motion concurring in all Supply resolutions relating to the Estimates of Expenditure for the fiscal year ending March 31, 2001.

Mrs. Myrna Driedger (Charleswood): I would like to ask the Health Minister, following the events of the past few days, what he could inform us in relationship to the status of the situation that we had information on, and a physician was concerned enough to be speaking about it, where the postpartum beds at Health Sciences and St. B were full yesterday. The labour and delivery units were full, the baby ICUs were full, and basically, the physician was concerned enough to indicate that there was a maternity care crisis in the city. The physician was concerned enough that she felt it was important for the sake of her patients and her unborn patients that this needed to be brought to public attention.

This was not a new issue. It has been one that has been brewing for two to three months. I brought the issue to the Minister's attention approximately three weeks ago, and I was concerned by some of the comments, in fact, that the Minister made yesterday in a scrum that gave me some indication that he may not have even looked into the situation after I brought it up. Certainly, we saw no activity after I brought it up in terms of opening up more postpartum beds. What we also found out yesterday was the LDRP unit had been opened in May and June for the use of postpartum beds to ease the crunch, and in fact, now it had even reached the point

where the actual beds were even removed from that particular unit.

I wonder if the Minister could give us an update about how this particular situation is being resolved so that we do not end up with a tragedy in this province.

Hon. Dave Chomiak (Minister of Health): I really appreciate the Member bringing this up, because it gives me an opportunity to correct the record for some errors that were put on the record by the Member opposite.

It is unfortunate. The Member stood up and made the point that 17 beds were opened and then closed, which was wrong, and the Member's inaccurate statements misdirected the entire balance of questions during the course of Question Period. I think it was unfortunate that the Member gave wrong information. But that happens, and that happened in several instances during the course of this session. That does happen on occasion.

I think the genesis, when members opposite closed the obstetrics at Grace Hospital, when they closed the obstetrics at Misericordia Hospital, I do not know what the Member opposite said at that time about the beds, I do not know what the Interim Leader (Mrs. Mitchelson) said at that time, but it was unfortunate. And the present situation, as it exists, is we put in the budget this year funding for the LDRP unit at the Health Sciences Centre. We put it in place to deal with the situation at HSC, and we planned a process whereby, and the Member knew this, we planned to open the beds in September, some of them in September and then later on in the fall. The Member knew this. I indicated that to the Member during the course of Estimates.

I am advised that periodically there are higher numbers of deliveries during different times of the year. I am advised that today there is absolutely no problem with respect to this. I am also advised that no pregnant women are at risk. There are some women who are at low risk for complications who may have to wait for an induction until appropriate bed or resources are available. But that is one of the reasons why we put in place a process whereby we would have the LDRP beds open this fall, and that is why, in

this year's capital budget, we are doing LDRP beds at St. Boniface, to deal with the situation and to provide for flexibility in the system. I think the Member made unfortunate statements with respect to the accuracy of the situation, but the bottom line and the important issue is the welfare of moms.

The Member is inaccurate also when she indicates, when the issue was raised, whether or not follow-up was done. Follow-up was taken at that time. For the Member to suggest the unit was opened, the 17 beds were opened and then shut down, the Member still insists, is not accurate. Now the Member is trying to correct her statements of yesterday. Perhaps she can try to clarify it during the course of this concurrence debate. She can perhaps try to clarify it, and perhaps she can read the press release that she put out and hold the press conference after Question Period with respect to this.

In any event, this matter was as we indicated. We had a planned process. You know, Mr. Speaker, 11 months ago there was no LDRP beds. We put them in our budget, and we had a phased opening. But now members say, oh, you are not doing it fast enough. We did not do it for 11 years. We did not put in the LDRP beds. But now you are not doing it fast enough for us. The bottom line is the beds were planned, the beds are being funded.

As I have been advised, no women are at risk, and we will continue to monitor and review the situation on a regular basis, as we do on a continuing basis.

It reminds me of the time when members stood up and said: Oh, you are closing the hospitals. I remember in Question Period saying: What are they talking about? Of course we found out that there was a two-week vacation closure which happens on a regular basis and has happened in this jurisdiction. But in the lead to the question, they left the impression that somehow we are closing the hospital permanently, as the members opposite did when they did Misericordia. It was the same thing with the 17 beds. The impression was left that somehow we were closing beds when in fact beds were closed, yes, 1400 permanently. That is where I

think the Member was ill advised to actually lead with that particular point.

* (18:10)

The point could have better been made that there was concern with respect to the influx yesterday, with respect to the situation. It was looked after yesterday. As I understand it, it is fine today. The plans to open the LDRP beds continue as planned. We will continue to monitor the situation to ensure, as is the case today, that no pregnant women are placed at risk.

Mrs. Driedger: I would like to ask the Minister, and just maybe make some clarifications, too. I certainly did know in Estimates, as the Minister did inform me, that this particular unit would be opened in the fall. However, that was little consolation to the 12 women that were out there last night, overdue women who were waiting for a bed and no bed was available for them.

Now when that happens with overdue women, you do have a situation where the longer they have to wait, the longer they are put at risk. Certainly, Mr. Deputy Speaker, being a nurse I guess, the awareness I have of what can happen in situations like that was not where I wanted to go. That was not a particular way that I chose to handle the information that we had yesterday.

The information that we had yesterday indicated an immediate concern. It is wonderful to say: We are going to open so many beds in September, and we will open so many beds in December. We had a situation yesterday where beds were full. We also happened to know from Dr. Denise Black that this particular unit had been open in May and June for the use of postpartum patients. It was never opened as a full LDRP, but it was opened for postpartum beds. That is all we were asking for, is to make available postpartum beds in the city.

Mr. Chairperson in the Chair

I understand from reading the paper today that the situation had changed a little bit. I understand that beds did come available today. I wonder if the Minister could indicate for me exactly how that came about, whether the

Minister did get involved and did indeed create a situation where some beds became available. Did he move forward to resolve this particular issue?

Mr. Chomiak: I thank the Member for that clarification of the issue from her perspective. I thank her for clarifying her position.

As I understand, in the normal course of events, I am advised from the people that are operating the system, that look after this system, that there are normal peaks and valleys and there are particular areas. I stand to be corrected, but usually two or three times a year when there is a particular, sometimes a significant demand on the system, the system operated the way the system has been designed to operate. There was the hospital authority operating in its usual fashion. There were discharges, and there were movements within the system to accommodate all of the people that required services. I understand that is what occurred yesterday.

Mrs. Driedger: I guess I would like to inform the Minister that what has actually happened over there was not a normal ebb and flow of patients moving in and out. You do not normally see 11 patients that quickly move in and out unless you are going to do some early discharge. I am hoping that certainly was not the case that happened. What happened over there yesterday after this became news was that beds on gynecology were opened to accommodate the patients in this city that needed those beds. There was no ebb and flow. There may have been some minor ebb and flow, but what actually happened, new beds were created yesterday on the gynecological ward to accommodate this situation.

That is a good thing that somebody went ahead and did that, because yesterday we had 11 or 12 overdue moms in the community. Apparently, today, despite the fact that there was, I know of one particular woman last night that did give birth, there were also 12 more, some of them the same, some new, overdue women in the community today. So, certainly, we have not seen any lessening of the problem out there. What has occurred is the opening of some new beds to help relieve this particular situation.

I guess I would like to ask the Minister why he was not aware that new beds were indeed opened, I guess, under the instruction of the WRHA, that it was not just an ebb and flow. Beds were actually opened. I am wondering if he wants to make any speculation about why he did not have that information given to him.

Mr. Chomiak: Mr. Chairperson, rather than deal with the situation as members opposite dealt with it for 10 years and 11 years and not admit there was any kind of problem, I am happy that the situation resolved itself.

Mrs. Driedger: I wonder if the Minister could let us know what might be happening, for instance, in the Selkirk area, and I believe it might be the Arborg area. I understand that with the closure of beds there that it has created the situation where more pregnant moms are coming into the city. That was what tipped the scale. That certainly was not the cause of this whole situation, but it tipped the scales in this particular instance.

I am wondering if the Minister has any information about what might be happening in those particular areas, to see if there is any movement happening there to address the situation so that more moms might be able to deliver babies in their own hospitals.

Mr. Chomiak: Yes, the situation in that region was announced in terms of an announcement from the appropriate regional health authority in that regard. We are doing all that we can in the system to try to deal with that issue. The overlying issue in that respect is, of course, the shortage of nurses. It was a situation that has manifested itself for at least five years. We are doing everything we can to try to address that nursing shortage situation.

Mrs. Driedger: With the issue, I guess, of the nursing shortage that the Minister does talk about, and with his promise to immediately hire 100 new full-time nurses, it has been a few weeks since I have asked the Minister the question, but I am wondering if he could give me any indication if he is moving any closer to fulfilling that promise.

Mr. Chomiak: As the Member knows, we have vastly expanded the number of programs that we have been offering to the public, something that has not happened in this jurisdiction for a long period of time.

The Member is well familiar with our hallway medicine initiatives that called for additional resources and additional input right across the system. The Member is also aware of the announcement, the launching of the PACT program that is also an expansion with respect to the system. The Member might be aware, north of Winnipeg is Norway House where we have just announced today the dialysis that also utilizes nurses to operate the dialysis, the first time that this has ever happened. The Member might be familiar that we have announced a massive expansion of home care that also utilizes nurse resources. We have also expanded the VON home IV program which also uses additional nurse resources. The members may or may not be aware that we have also expanded nurse psychiatric coverage which also utilizes nurse resources. The Member might be aware that several hundred personal care home beds that also utilize nurse resources have been opened up and provide for positions.

* (18:20)

The Member might be aware of a variety of program expansions, all utilizing nurse resources. I gave the Member the statistics in terms of the full-time positions, expansion and the increase in full-time positions with respect to nurses being utilized in the system, and there will be more. There will be much more of that as we move into the next phase of our activities, but I might add there are a couple of factors that I want to indicate to the Member.

Firstly, I wish the members opposite would support our nursing program, our nursing initiative. That would be very helpful. For a decade, there was no nursing recruitment and retention initiative from members opposite. There was an initiative at the very end of their tenure, and now, when we announce our initiative, there is no support from members opposite. It might be helpful for that.

The second point is our nursing and other human resources have been very stretched, and one of the issues that we dealt with this summer was whether or not there would be vacations, whether or not there would be extra pressure on nurses and all of the human resources with respect to vacations. We made the decision that we would not push or not press with respect to nursing resources over the summertime to allow for our nursing resources to have a small opportunity, after years of working under incredible stress and strain, to regenerate a little bit over the summer. We made that decision consciously. It has put a strain on the system, but when one reviews the system and one reviews the effect it might have or the needs in the system and the requirements, we will be still under constraints with respect to nursing the next several years. We wanted to recognize the need of nursing and other staff with respect to filling those positions, and we made that conscious decision this summer to recognize that nurses have been through a lot and that they needed some respite. We offer respite right across the system. Respite is part of health care, and it was a recognition that that was necessary. We look forward to an expanding role and expanding function for nurses in our health care system as we move forward.

Mrs. Driedger: Mr. Chair, the Minister did not answer my question. He made a promise in the election to hire a hundred new full-time nurses. I would like a progress report in terms of how close he has come to meeting that particular promise.

Mr. Chomiak: As I indicated to the Member opposite, we hired additional nurses to do psychiatric coverage, which was not in place. We hired additional nurses to staff some of the beds that opened up as a hallway medicine initiative that was not in place. We hired additional nurses to open many of the personal care home beds that opened up in the past few months. We hired additional nurses to expand the oncology program that was not in place previously. We hired additional nurses and advertised for additional nurses through the Home Care program, and we will continue to do so. We will continue to move towards sustaining and towards expanding the role and function of nurses.

Mrs. Driedger: I think the Minister is having a hard time answering that question because there probably has not been a lot of movement towards hiring 100 full-time new nurses. I wonder if the Minister is willing to concede now that that was a dumb election promise, made quite recklessly, when in fact this minister and that NDP Government knew at the time of the election that there was a nursing shortage.

I am very curious as to why a government would make a promise like that when they knew there was a nursing shortage out there. I would be very interested in the Minister telling me because this is a question that has bothered me for some time now. Why would he, when he as an opposition critic, I am assuming, was very well aware of the nursing situation? I mean he was following that. He was aware of it. Why would he make a promise to hire immediately 100 new full-time nurses when he knew that we were in a nursing shortage? I am very curious as to his answer.

Mr. Chomiak: Mr. Chairperson, I am glad that a member of the former government finally admitted that there was a nursing shortage during the time of their government. What a step forward for this Legislature, what a step forward because for years I tried to get members of the former government to admit there was a nursing crisis, and nothing happened, and there was no acknowledgement. I always said unless you acknowledge the problem, you cannot do anything about it. So, finally, the Member has admitted there was a nursing shortage, there was a nursing problem, and there was a difficulty. So I think that in terms of education and in terms of understanding that is a step forward.

I have already outlined to the Member opposite a whole series of expanded initiatives, a whole series of expanded programs that have entailed the hiring of many, many nurses. You know, the Member opposite wants to pick and choose particular issues, but I dare say that it is interesting that she will not explain to us why she is against our nursing recruitment and retention program to bring in more nurses. Instead she seems to be focussing on that particular issue.

I have already outlined for her a variety of areas where we have expanded the roles,

expanded the number of nurses in this regard, and I had a long explanation with the Member opposite in this regard during the course of the Estimates debate.

Mrs. Driedger: It is interesting that the Minister would say I am against the nursing retention and recruitment initiatives. That is actually absolutely ludicrous and he knows it. I was on the particular committee that was looking at a lot of the initiatives. We were responsible for a lot of them, and for him to say that, that is absolutely ludicrous. He is sitting there with a little bit of a smile on his face, and he knows what I am saying is true.

It is interesting to note that he keeps talking about the nursing shortage, does not want to indicate that he has now been Health Minister for almost a year, it is time for him to stop blaming everything. It is time for him and the rest of his colleagues to stop looking back all the time. One year is plenty of time to get in there and to start to make some changes if they in fact have an idea of how to do that.

In Estimates too the Minister almost inferred that the Manitoba Tories were responsible for the whole nursing shortage in the country. I mean that is how bizarre some of his answers were in Estimates.

It is also interesting to note that he says we do not support his nursing program. Well, it is very interesting, and maybe now is the time to talk a little bit about that, because as I have said many times before, the Minister does not have a clue where we stand on his program, because we have not seen his program. It is very hard to say it is a good program or it is a bad program. We have not seen his program. In fact, I do not even know if it has begun the approval process at MARN.

* (18:30)

I understand that that process maybe would have started last week. We also do not know whether MARN is going to approve the program. So why in the world would we in opposition stand and say one thing or another about a program that we do not even know if the regulatory body, which has the authority to

approve programs, is even going to approve it themselves.

Why would I be so presumptuous to even make a statement on the whole issue of the diploma program when we do not even know if it is going to exist come this fall? The Minister has been very, very evasive in that particular area. It is a question I would like to ask him again. I would not have to be asking a lot of these questions over and over again if in the first place the Minister would answer them when they were asked the first time.

Maybe the Minister would confirm whether or not the approval process for the diploma program has begun, how long that process will take, and if he is assured that in fact that program will be approved before the start date, because we are probably only about two weeks away from school starting. We have, what, 90 students that are registered for that particular course. Are they going to start in an approved registered nursing course?

Mr. Chomiak: Mr. Chairperson, yes.

Mrs. Driedger: I would like to ask the Minister to expound on that a little bit more, because how can he stand up and just say yes when in fact he is not the one that has the authority to approve that program? The regulatory body, unless he is really going to get in there and strip them of their rights, is the one that has the right of approval of their education program. Could the Minister indicate whether or not the program has received approval by MARN?

Mr. Chomiak: I have already answered that question several times for the Member opposite.

Mrs. Driedger: Well, Mr. Chairperson, in fact he has not answered it at all. We do not even know if the approval process has started.

I understand that the MARN person that was heading up the approval process was not back from holidays until August 8, nothing had been done prior to August 8 according to the information we had been given, and we are here approaching the start of the school year. We are in a situation right now where we are not even sure that the program that is going to start at Red

River this fall is going to have the approval of the regulatory body. Certainly the Minister must have concerns about this.

He is always looking for a little pat on the back from me as to whether or not he made the decision. Hard to say unless we know whether or not this particular program will receive the endorsement of the body which is authorized to approve or disapprove of a program, so I certainly am not going to make any judgments on a program until I know whether or not the body that should be approving it and has the authority to approve it is going to actually approve. It may not pass approval.

I do not know how the Minister can sit here and say, yes, it will be approved, unless he is going to override MARN's decision if it was a negative decision. Unless he is going to override it and make his own decision I do not know how he can sit here and say that absolutely, yes, this is going to be a program that starts this fall with approval.

I would like to ask the Minister: If MARN does not finish its process will he have this program go ahead when it should be starting this fall?

Mr. Chomiak: I do not need the approval of the Member opposite with respect to this program insofar as the Member opposite was part of a government that cancelled the diploma program, cancelled the diploma program and put in jeopardy so much of our health care system. So for me to look to the approval of the Member for Charleswood who is part of a government that cancelled the program I think is a long leap. All I am asking the Member opposite is why she opposes the diploma program so strongly.

Mrs. Driedger: It is so typical of this minister to play word games with me. He did it right throughout Estimates, tried to manoeuvre around many of the questions I asked, was certainly not forthright in his answers to me, manipulates the information, and again he is doing it right now, becomes very defensive rather than answering the question directly, which is a fair question. It is a fair question to the taxpayers of Manitoba who are bearing a \$2.5-million burden for a program. They have a right to know whether or

not this program, which starts this fall, is going to be approved by MARN or whether or not this particular minister is going to force that program to happen without the regulatory body's approval. I hope this time he might make some attempt to answer my question and not just play around with words.

Mr. Chomiak: I am not answering hypothetical questions from the Member. If the Member wants to put questions, I have dealt with the question. If the Member wants to ask the ifs or the wheres or the therefores of a program the Member has done everything she can to attack, that is another point, but I am not going to answer a hypothetical. I do not even think we are even required to answer hypothetical questions in this Chamber.

Mrs. Driedger: I am certainly concerned, as are a number of people out there. I would imagine if I was one of those young students waiting to take this particular program, I would have a real concern whether or not that program is going to be one that meets the standards of the licensing body. I mean, two weeks to go and we do not know if this program is going to meet the standards of the licensing body. That, to me, is a serious, serious concern.

The Minister is so—oh, what would be the right word—in the House stood a number of times and said how many people were interested and intrigued with the new program. Well, now we find out, after the 1200 or whatever calls he talked about, there is only a waiting list of 12. So much for this excitement out there. People, young students have a legitimate, very legitimate concern to know right now as to whether or not this program is going to be approved, and if it is not approved by MARN and if it is forced to start by the Minister's decision, I would really wonder whether or not these students are going to feel confident enough to want to stay in this particular program, or are we going to see a drop-off because we do not know where this program is going to go. We do not know what is going to happen to these students then, what kind of portability then do they have across the country if they are graduating out of a program that might not be approved. We do not know any of this, and I think this is a really huge concern amongst the nursing community.

So, if we have a minister here that is talking about supporting nurses, maybe he had better start acting according to the words he is putting out of his mouth and, you know, be willing to be up front to address this particular situation. When he talks about not supporting nurses, there is a huge issue out there. He keeps knocking us and saying we are not supporting nurses.

This minister, in one of the most blatant situations of non-support to nurses, is sitting on proclaiming the nursing acts which, by the way, in the latest nursing journal that I received, because I am still an associate nurse, I would like to read the Minister a paragraph from the president's message. She says: We celebrated the passage of The Registered Nurses Act through the Legislature in July 1999. The imminent proclamation of the Act and regulations will give nurses in all roles and health care settings much to celebrate. We will have the tools to regulate the profession responsibly, efficiently and humanely for the benefit of all concerned and, in particular, in the interests of the public. The opportunities for registered nurses to expand their practice to its potential are limitless.

If there are any accusations to be made about non-support of nurses, Mr. Chair, they belong directly in the lap of the Minister of Health (Mr. Chomiak) right now, who is sitting on proclaiming these particular acts. We are not quite sure why. The regulations certainly were not in such disarray that they needed over a year's work. There was plenty of time to address them, and yet this minister has not moved forward with proclaiming the acts. If there is anybody to take the blame around here for not supporting nurses, right now it is sitting in the lap of the Minister of Health.

* (18:40)

The Minister just a few minutes ago made a little announcement here, which I was not aware, of about dialysis in Norway House. Yes, I am very well aware of the dialysis situation and the challenges we have in this province around the issue of dialysis. I am also aware that the Minister has talked about setting up a new dialysis unit at the Seven Oaks Hospital, indicating in his statement in the House on Health capital construction of July 25 that he is

immediately moving ahead to make Seven Oaks Hospital a new site for dialysis service. He has talked about a dialysis machine in Garden Hill. Now he is talking about one at Norway House.

I am wondering how the Minister can feel that he has an ability to move forward with this when, and perhaps he could verify this for me, I am looking for verification on this, I understand we are short 25 dialysis nurses in this province. I understand that patients needing dialysis are being sent to Kenora. Again, I am looking for verification. I am not spreading rumours. I am giving the Minister a chance to correct me if I am wrong. He is making some pretty grandiose announcements, which politically sound great. The reality of the situation is he can open the machines he wants. Does he have the nurses to manage them? In Garden Hill, does he have a hospital to back it up? I wonder if the Minister would care to take some time to, in a forthright manner this time, answer these concerns.

Mr. Chomiak: Mr. Chairperson, I thought we had an understanding and a discussion in the Estimates debate about the need for expansion of dialysis. I guess the Member opposite is taking the position that we should not expand dialysis, because clearly, from her question, that is what she would like to do.

An Honourable Member: Do not put words in her mouth.

Mr. Chomiak: She says do not put words in her mouth, but then she says the Minister is making grandiose—I want the Member to know that the dialysis unit in Norway House today is receiving patients, receiving patients today. That is in the North. That is dialysis. It is receiving patients today. And the Member opposite could take a trip up to the North and could see Norway House and see them taking patients in Norway House so that they do not have to come down to Winnipeg to receive dialysis, so they do not have to shift around. That is what is happening. It did not happen for 11 years. There are nurses at that particular station.

Secondly, I believe the tenders have already gone out for the Seven Oaks dialysis unit with respect to the dialysis. If the tenders have not gone out, they are going out very, very

shortly to construct those additional units at the Seven Oaks Hospital. I take it from the Member's comments that she is not in favour of that as well. I take it from her comments she is not in favour of that as well, but the tenders have gone out to meet the need because we had a long discussion in the Estimates about the expansion, the expedient growth of the need for dialysis. Would the Member want us to do nothing? Would the members want us to do nothing? Not open the dialysis in Norway House? Not put the tenders out at Seven Oaks? Because that is certainly the implication of the Member's comments, Mr. Chairperson.

Yes, I know it is a novel concept, but we are actually expanding programming in some areas. Is there a problem with nurses? Of course, there is, and there are shortages of nursing with respect to dialysis. That is one of the reasons why we are expanding the training of nurses. We are trying to have more nurses. We are trying to train more nurses. We are trying to have more nurses and other individuals provide dialysis across the province. That is what we are trying to do. We are not hiding our head in the sand and saying we are not going to do anything. We are not going to go fire a thousand nurses.

We are taking action. We are doing it on two fronts. We are expanding the role and function of dialysis. We are trying to train more nurses so that we can have more nurses for dialysis. Would the Member have us not do either of those things? I think not. So today two additional dialysis units opened and are functioning and receive patients in Norway House. Tenders went out for expanded dialysis at Seven Oaks Hospital, for additional stations at Seven Oaks Hospital. I had a long discussion with the Member about Garden Hill. Garden Hill has a need for a dialysis unit. It is a huge challenge for the Department of Health. We could step back and say no, we are not going to do it.

We took the position that we are not going to fight with the federal government about the funding. We are going to try to go ahead, and we are going to put in a dialysis unit at Garden Hill. We will find, we will bed, we will work on it. We are going to do it.

We are attempting to fill the needs. We agreed, in the Estimates, that there is a particular

need in the Aboriginal community, and there is a particular problem with respect to flying people into Winnipeg and having them have to live here while they receive their dialysis, and if we could offer the dialysis to the North, we should try to do that. So we will be trying to do that.

Mr. Chairperson, I have always felt that it is worth the try and it is worth the effort, and we have put the funding in place; we have put the resources in place; and we will try to do that. We will try to meet the needs of dialysis across the province. And as I indicated to members opposite during the course of Estimates, where there were demands from various other centres in Manitoba for dialysis, I asked that it be sent to the provincial dialysis program which monitors for suggestion and advice with respect to dialysis capacity.

We have more dialysis capacity in the province right now than we have ever had. We also have more demand for the service in the province of Manitoba than we ever had. Commensurate with that, though, we are not doing a good job if we do not look at the other end in terms of diabetes and the ravages of disease and the effect, of course. Dialysis is the end stage of the disease. We are taking initiatives. We discussed that during the course of Estimates debate with respect to trying to deal with the issue of diabetes particularly and improving the health outcomes and health standards of our population to prevent the need for dialysis because if we just run, run, run, run, run towards the dialysis need and we do not take care of the other side, it is expedient in its growth, and we will never be able to overcome it.

Now, I have talked to experts in the field, and we have a very aggressive diabetes initiative that was announced by the former, former, former Minister of Health that we are launching and we are announcing and we are moving on. We are moving on. I have talked with some experts who have said, it is interesting—I do not want to name the particular expert, but he is well-known—who said that we probably never will be able to deal with the ravages of the diseases, despite our best efforts. That was interesting.

But you know what, we are going to try. We are going to try to do two things. We are going

to try to deal with the end stage, and we are going to try to deal with the front end. I already indicated to the Member—and I will repeat it again—we followed the initiatives that were started several years ago, because I think those clinical guidelines and the program makes a lot of sense. We are putting that program in place and implementing it. So we are on a two-track strategy, and we will see more initiatives at the front end. But in the meantime, we have an incredible demand, an incredible need that must be met. We have recognized that in this budget, and we recognize that, and we are proceeding on that basis.

Today, we saw the opening of two dialysis units in the North, and the tender, I believe, is out or very shortly out with respect to Seven Oaks.

* (18:50)

Mrs. Driedger: Mr. Chair, the Minister chose to make some comments that are so terribly inaccurate that I do have to correct him. He accused me of not being in favour of Norway House and Seven Oaks, again, nothing to base that on because that is the furthest from the truth. I am totally surprised—actually, I am not. I mean, he did that to me all through Estimates, so I guess I should be used to it because that certainly happened on a regular basis.

I think the fact of having more dialysis units in the province is needed, and I think that is a very good initiative. I understand, too, that those initiatives might have started under our government and that he is just having the wonderful opportunity of implementing initiatives in Norway House and Seven Oaks that were probably the beginning initiatives that happened under our government. So it is interesting that he wants to take full credit. Maybe the credit for the ideas needs to go where they belong, because as he has said in the past, 90 percent of what we did in government in health care was good. This has always been a good idea, Mr. Chair, to put dialysis beds in Norway House or in Seven Oaks.

But I would like to ask the Minister, because he did not answer my question: Is it accurate to say that we are short 25 dialysis nurses in the

province and that we are sending patients to Kenora for treatment?

Mr. Chomiak: Mr. Chairperson, I answered the question with respect to the nursing shortage in my previous comments. We are short dialysis nurses, as we are short nurses across the spectrum, across the field. Again, that is one of the reasons why we have asked for and we are expanding the role and we are expanding the number of nurses we are training in the province of Manitoba.

As I understand it—and I stand to be corrected on this—we are not regularly sending people to Kenora for dialysis. I do not think that is in fact the case. I believe, and I stand to be corrected on this, that during the long weekend, there were several patients that did get dialysis in Kenora with respect to patients that were vacationing and/or in the vicinity and because it was convenient and also for the entire system to have their dialysis in Kenora. That is what I understand. I stand to be corrected on that, but I believe that was the situation. I do not believe that we regularly are sending patients to Kenora for dialysis.

Mrs. Driedger: The Minister has indicated that perhaps I should go to Norway House to see this particular unit. Certainly if the Minister is making an offer to take me along on the trip to the North, I would absolutely love the opportunity to go.

When the Minister was talking about training more nurses in the province in relation to the question asked on dialysis, I wonder if the Minister could explain for me how many dialysis nurses are being trained? Because nurses coming out of the diploma program, if that was what his reference was to, are not trained for dialysis. Dialysis training is a specialized training.

Could he indicate for me whether or not there has been any movement in terms of training more dialysis nurses through their training program?

Mr. Chomiak: Mr. Chairperson, I believe that there is an attempt to train more dialysis nurses, and I will take that question as notice.

Mrs. Driedger: When we had heard about this shortage of dialysis nurses, we had attempted to access all of these phone lines in the city and in the province that tells you whether or not there are job vacancies and where they are. The Minister might want to look into this because the person that was doing the investigation for us said that it was almost impossible to navigate all of these lines and the system. She was able to provide me with a half a page of information that took her a day and a half to come by. I would suggest that if we have a nursing shortage, there has got to be a better way for nurses, maybe with one phone call to be able to access very easily and readily the information about where there are nursing jobs in the province. She said it was extremely cumbersome to manoeuvre.

I know that she did get on the Web site too, and that certainly had some information, but with the phone lines, that may be something that the Minister wants to ask his staff to look into. Because if it is taking somebody a day and half to find out something as simple as is there a dialysis job for me in Winnipeg, she had a very difficult time finding out that information.

Mr. Chomiak: Mr. Chairperson, I thank the Member for that. I think that is a very good suggestion, and I will take the Member up on that. I appreciate that.

Mr. Leonard Derkach (Russell): Mr. Chair, I have a question to the Minister with regard to the dialysis since we were just in the area of discussion on dialysis. Certainly I am one who supports the expansion of dialysis equipment and services in all parts of Manitoba. I was made aware there is an announcement to be made in Marquette for a dialysis unit that is, I am told, being placed in the Russell hospital.

I would just like to have the Minister confirm whether in fact this is imminent. My understanding was that it was to be announced in the next or perhaps last week. I did not receive any notification of it, but indeed that is something that I would support. We do have a significant Aboriginal population in that area, with I believe five Indian reserves in the region, and certainly that is an issue that has been on the minds of many in the area.

We were moving in that direction, and I would just like to ask whether or not the

Minister is at a point where in fact the announcement is going to be made imminently in that area?

Mr. Chomiak: Mr. Chairperson, I do not have that specific information for the Member today. I will endeavour to see if I could enlighten the Member a little more detail in that regard. I will try to do that as early as tomorrow.

Mr. Derkach: Can the Minister indicate to me: Where in the Westman area are there, presently, dialysis machines located and operating, besides the Brandon Hospital?

Mr. Chomiak: Mr. Chairperson, if the Member wants to go on to his next question, I will endeavour to pursue that question and provide the Member with a response shortly.

Mr. Derkach: I do not know whether my colleague would permit me to go into another area of questioning, but I have an area of questioning that I would like to undertake with the Minister with regard to the status of our rural hospitals. The Minister, instead of his trying to find that answer for me on the dialysis units right now and where they are located, if he can give me that information a little later, that would be acceptable as well.

But Mr. Chair, my issue has to do with the status of hospitals in rural Manitoba. Right now there is a huge cloud of uncertainty about what our hospitals in rural Manitoba are going to become, and what their status is going to be over the course of the next period of time. For some time now, as a result of some work that was done by the Department of Health and the regional health authorities, there appears to be some rationalization in the offing with regard to hospitals.

* (19:00)

I had asked this question of the Minister during the Estimates process. He indicated that he was not intending to move on the report that was tabled to him, namely the template for, specifically, the Marquette region but also for the southwest region. I guess the cloud of uncertainty that hangs over a lot of these communities is the prospect of losing an acute

care facility. If the Minister were to compare the Health spending budget of rural Manitoba compared to that of Winnipeg, you could close every hospital in rural Manitoba and save about six hundred, or perhaps less, millions of dollars. Now if you compare that to what we spend here in the city of Winnipeg, that is not a very big portion of the pie. But to rural Manitobans it is a very important portion of the pie whether it is in northern Manitoba or in rural agri-Manitoba. So I am simply one who is a fairly sincere advocate for keeping our acute care facilities open as long as we can in all of our communities, because of the geography of the province.

It is not like Winnipeg where we can access an emergency care facility in a matter of 15 or 20 minutes or less time. I think in Winnipeg, distance or the time allowed is about 10 minutes from an emergency care facility anywhere in the city. You cannot have that in rural Manitoba. We understand that. But to close our facilities would just be unjust, and certainly unacceptable to our communities. Our rural communities have been struggling to stay alive. I do not care if I speak of a community in my part of the world or whether it is in the north part of the province. When I talk about rural communities, I am talking about everything outside of the city of Winnipeg. Our communities have had a difficult time surviving.

In the North some of our communities are single industry towns. In the south, because of what has been happening on the agriculture scene, our populations are dwindling. Many of our communities have become retirement centres and some small service that goes along with that as well. But to keep the hospital open is absolutely crucial to the survival of some of these communities.

So I would like to have from the Minister some clarity with regard to what his position is regarding the template that had originally come out and one that was apparently being revised. My understanding is it is going to be supposedly announced to some of the health care regions over the course of the next little while. Could I get some comments from the Minister with respect to that?

Mr. Chomiak: The Member is correct. We did have part of this discussion during the course of

Estimates, and we have had it on numerous occasions. I can recall when I was the Health critic, the previous, previous minister, the Member for Lac du Bonnet (Mr. Praznik), coming to this committee and talking about rural hospitals at only 60 percent occupancy, 70 percent occupancy, and making strong statements with respect to, making statements like—I am not trying to be political here; I am just trying to set a context here—the former minister of Health making statements like: People are voting with their feet with respect to hospitals. That is the first point.

The second point I want to make is, in 1995, the Government put in place and asked the Centre for Health Policy and Evaluation to do an assessment of rural hospitals, all hospitals outside of Winnipeg, in terms of their function, their role. The government of the day did not ask them to do this analysis strictly to try to determine which hospitals would stay closed or opened. I think it was a sincere attempt to try to figure out what all of the hospitals outside of Winnipeg were doing. That study came to our attention several months ago. I do not know if the Member has received a copy of that, but I am happy to share it with him.

The third thing was, over the past several years, there have been various communities that have covered the H on the highway out of concern for the status of a particular hospital or facility. Out of that exercise came the exercise that came from all the regional health authorities, from RHAM doing an analysis of minimal standards, a report of which I have received and which I have indicated I will be making public, I will be providing to members soon.

So I just want to set the context that this is not a new issue. There has been a change in government, and quite naturally, quite naturally individuals in the community are wondering: What is the status? What is the predisposition of this government with respect to rural hospitals and those of minimal standards? Our position has been, and we have stated publicly, we do not intend and it is not our desire to close hospitals.

We are now in a situation where all of these reports have been provided. The '95 report came

to our attention in the last several months. A minimal standard report that started, the process started in the summer of last year, came to our attention. As a government, we are expected to take a position and take a stand. That is what the Member is asking, what our position and our stand is. Our position has been that we want to receive feedback, we want to receive input, we want to receive advice with respect to all of these reports and with respect to all of these issues. That has been the position we have taken, and that is the status of the situation. In that sense, it has not changed from one year ago or two years ago or three years ago.

Mr. Derkach: Well, Mr. Chair, instead of ~~getting a little~~ more comfort with the issue, I am getting a little more nervous about the issue. I say so because who, for example, when we talk about minimal standards—and I have had an issue about this, not just since this minister has taken over—but minimal standards were developed, basically, by consultations with MMA, I believe. They were basically done—

An Honourable Member: In the college.

Mr. Derkach: In the college, yes. I am sorry, the College of Physicians.

It is my understanding that very little consultation or very little understanding of what the rural situation was like was taken into account when this minimal standards report came up. If you look at the reality in rural Manitoba, you are at least 20 kilometres between most communities. There might be a smaller distance between some but in most areas it is 20-plus. In the larger communities, I am talking about the communities that have probably 800 people or more, we will have one, two and in some instances, three doctors. Communities that have 2000 people, in some cases will have three doctors, in some cases may have two, and in some cases they may have a few more than that. It could be five or six. But in all of this, those services are essential for people.

* (19:10)

Now the Minister says that statements were made, previously, that people were voting with their feet. I guess you can take it from someone

who lives in a rural community that the only time you vote with your feet with regard to your own health care is when that service cannot be provided in your community. If it is a type of illness that needs constant attention from a physician, what usually happens is that if you can find that service at the least possible distance from your home, you will utilize that service to meet your needs on a consistent basis, because you established the relationship with a physician. The physician gets to know your situation. But the only reason you are leaving your own community is because that service is not provided there.

Having said that, with an aging population and people who want to stay close to their families and want to retire in these smaller communities, there is a desire for these people to live in these communities. Therefore they require those health services closer to home rather than further from home.

You know, it was interesting in the debate about obstetrics. I live in a community where we used to deliver babies in our community up until about five years ago. I think there were as many or as few as 125 babies delivered in the last year in that community before the obstetrics was taken out of the hospital. But what we are finding now is that there just simply is not enough room and availability of those services in the hospitals that provide that service. So therefore you are getting situations where expectant mothers have to travel longer distances, even though they have been with a particular physician for the period of their pregnancy, because the facility may be full at the time that they are ready to give birth. They have to travel larger distances, putting that mother at greater risk. So we have enquired seriously about perhaps taking a broader look at the situation, and seeing whether or not we can establish centres for obstetrics in the rural part of the province where we use distance as some measure of reasonable proximity to where people live.

So I want to ask the Minister with regard to rural hospitals whether, as minister, he is open to listening to not just the regional health authorities, but more importantly to people who use the health facilities in communities. When

he talks about sending these reports back for comment, whether he will be sending them back to the local communities for comment, because I believe that the grassroots, the people who require those services and use those services, probably should be heard when it comes to the whole issue of rural medicine.

Mr. Chomiak: Obstetrics is actually a classic and a very interesting issue. If I could just talk about the issue for just a second, just sort of set the context, I am not talking policy at this point, but it is interesting that when the former government had Manning do his report with respect to obstetrics, there was the recommendation, remember, there was one level of recommendation that obstetrics should only take place in a tertiary care facility, there was a second level of recommendation it should be tertiary plus community, and then there was a third level tertiary plus community, community. There was a lot of debate, and there are some in the community that say obstetrics should only take place in a tertiary care facility, period. There are some in the medical community that say that. So the former government compromised on that, I think, by saying tertiary plus one or two community hospitals.

If you go to rural Manitoba and talk to physicians or talk to communities, they say: We could do dozens and dozens of obstetrics here, and that is what community is all about. It is an interesting issue. I have had discussions with parents who had unfortunate incidents with respect to their children who said to me, no, no child should be born other than in a tertiary care facility. I think, in the system, people generally understand that people are prepared to take a "risk", if I can put it in those terms, in order to have the obstetrics provided in their own community where they have all the supports and they have all the necessary amenities to do that. That is where part of this debate and this conflict is occurring.

I know from my travels, both in the North and in rural Manitoba, I will bet you would find literally dozens of doctors and nurses that tell you how many births they used to have in their facility, but since the protocol has changed with respect to health care that is not taking place anymore. I think this has to be part of the

discussion, as well. That is said in context, and I wanted to set that context because I wanted the Member to know that I do understand what point the Member is getting at; I do understand the point that he is making.

There are certainly some strong arguments that could be made for expanding some of these functions in rural Manitoba communities, some rural Manitoba communities. Some equally strong arguments from some communities would say that is a step backwards in terms of medicalization. That is the reason this has been a very difficult decision. That is one of the reasons why there are more ramifications than simply talking about saving money or process. I think the issue is at a variety of levels. I think that the issue bears discussion from a whole series of arguments. It does require input and advice from the community. Equally, there are pressures from various other organizations and bodies that have strong viewpoints in this regard, as well.

So I guess what I am trying to say is that we are aware of the various stresses with respect to there being advantages and disadvantages with various proposals. Whatever decisions are made should reflect the values and should reflect the needs of communities.

Mr. Derkach: Mr. Chair, I am encouraged to hear that the Minister is prepared to listen to what the needs of communities are, because that indeed is an issue that I hear as I travel through rural Manitoba. I cover a significant part of western Manitoba where there are a number of facilities, and I would have to say that I hear the same message in every community. The one fear that everyone seems to have is the status of their facility and what this template is going to do to their facility.

The other issue that is of importance to rural Manitoba of course is doctors and nurses, professional staff. I know that the Minister has announced a diploma program. My colleague has asked him about the curriculum. That is certainly an issue out there at the present time, especially with the program starting in a couple of weeks. But it is also an issue to rural students who have either registered for that program or are looking at nursing as a profession, because I think any student who wants to look at nursing

as a profession is looking at the availability of training, the availability of jobs. Many of the rural students right now are looking at jobs back in rural communities because of the lifestyle that rural communities provide. Certainly there is always a call back home.

* (19:20)

Of course the other issue is the availability of doctors and medical students who are being attracted into medicine from our rural communities. It seems like we still have not crossed that huge hurdle of getting the University of Manitoba to accept a number of rural students into medicine. This has been an issue now for not one or two or three years; it has been an issue for a number of years. We have very high quality calibre students.

I have a situation where two students this year, after receiving their first degrees, applied to the Faculty of Medicine. Both students, whose marks are in the high 90s, have scored extremely well in their university programs, were both rejected from the Faculty of Medicine this year. This has caused some devastation and some problem for them as individuals. Now they are looking at entering an institution outside the province. Had they known, had they had any inkling that they were going to be rejected, they would have applications into other institutions. It was a shortsightedness on their part, because they got their first degrees here in Manitoba and they wanted to continue in the field of medicine here in Manitoba.

I can tell the Minister this is not a problem that he has created. It is not a problem that is of his government's making. It is a problem that has been with the university for some time, one that I have had to deal with on another case where a family tried to get their son into the Faculty of Medicine for three years. Finally, after he was accepted at another institution, the University of Manitoba accepted him. That to me was just rotten, because this student could have been advanced three years had he been accepted into the institution.

I am wondering what discussions the Minister here has had with respect to rural students who want to go into the field of

medicine, especially now that we see that there is going to be a dramatic shortage of doctors in this province. I think the College of Physicians has already made that statement as early as yesterday that we are fearing some shortage of doctors in the future, whether the Minister has had any discussions with the Faculty of Medicine or with the College of Physicians or with MMA regarding the acceptance of rural students into medicine.

Mr. Chomiak: I have been generally impressed with the new Dean of Medicine at the University of Manitoba, Dr. Hennen, in terms of his flexibility and his ability to incorporate new ideas and undertake new initiatives. I found him very flexible.

The reference the Member was making was to the CIHI Report that did a pretty extensive analysis of physicians across Canada. The specific point, I think, that the Member is referencing, is the demographics, the aging population of physicians.

I have not announced it yet. I indicated in Estimates we will be announcing an extensive program in the fall. I think all politics aside, that there is a very strong recognition of the need to train and retain Manitoba doctors, and part of that significant need is doctors outside of the city of Winnipeg. There will be significant components in our physician training and recruitment plan that we will be announcing that address the rural issue, specifically. I think the Member will at least have to acknowledge that there are initiatives that are attempting to address this issue. I will go further to indicate that we are also attempting to incorporate initiatives within our nursing and our allied professional training programs. Specifically, the first out of the pack will be the doctors announcement. That will be followed by some recognition as well in other professions.

The reason I cannot give specifics is that there are some various components and crunching in numbers, et cetera, on this. In all levels in Manitoba, we have acknowledged and agreed—I think it is almost unanimous—that the main thing that we have to do is retain. I say that subject, because as soon as the next doctor leaves Manitoba some would say: Oh, I thought

you said the main intention was to retain. But there is an acknowledgement right from the pre-university level, right from the high school level that we have to move right up through and do a heck of a better job. We have to acknowledge that there is a need in rural Manitoba and northern Manitoba to train doctors. Because not only is it the right thing to do, but the opportunity to retain that particular individual within their community is much greater if they come from that community. That flows throughout the program, I believe, that we will be announcing. There is a need for a recognition of retention as the number one priority.

So that will be announced. That will be in a program. The Member can look through it in great detail when we announce it in terms of the rural component. I think there is a pretty aggressive rural Manitoba component that recognizes the points that the Member made.

Mr. Derkach: Not to prolong the debate or the questioning in this regard, I believe under the former minister, or under our administration there was an agreement struck with the University of Manitoba, the Faculty of Medicine, with respect to the numbers of students that the Faculty would be expected to approve for Medicine from rural Manitoba. I think there were something like 10 seats that were set aside for rural students. I would like to ask the Minister whether or not those 10 seats have been filled by rural students this year or not.

Mr. Chomiak: I thought I answered this in the Estimates. I will try to during the course. I know I am going to be here for a little while longer. I will provide the Member with that specific response as we continue.

Mr. Derkach: I would like to see that because I think I asked the question during the Estimates process, but we did not get a response to it. I think the Minister said he was going to do some research on it and get back to me. To me that is a critical issue with regard to whether or not the agreement with the University of Manitoba is being lived up to with regard to the acceptance of rural students into the program, because I hear these types of stories almost daily of students who want to get into medicine from rural

Manitoba but seem to have an extremely difficult time. Even though they pass their entrance requirements, even though their marks are extremely high and satisfactory and their skill level is high, they still have a difficult time. It usually boils down to the interview that they have trouble getting by. Perhaps it is time that we looked at the people who sit on the interview team and perhaps it is time that we put some people from rural Manitoba, some physicians from rural Manitoba on that panel to ensure that rural students are given an equal opportunity in terms of accessing the medical program.

I would like to at the same time just ask in the diploma program that the Minister has announced whether or not there has been a look at providing a program that could incorporate as many rural students as possible into it, given the fact that we are experiencing shortages of nurses in rural Manitoba as well.

Mr. Chomiak: With respect to the latter comment with nurses, yes, we are looking at that. With respect to the former comments, I had provided a response in Hansard. I know the Member had various committee requirements. I do not know if this is clear enough for the Member, and he can let me know: Manitoba Health provides funding to support travel and accommodations for year 3 and 4 undergraduate students who do an elective in a rural family practice. Manitoba Health provides funding to support travel and accommodations during their rural rotation for all family and medicine residents as well as for residents choosing to do rotations in surgery in a rural locale. The Department also funds a summer student rural experience in this program. Up to ten students work with a rural physician for 10 weeks over the summer. Manitoba also funds the rural family medicine program in Parklands which trains six residents in rural medicine. There is a rural training program for family medicine residents in Parklands. That program is anticipated to be expanded.

* (19:30)

The specific question as to whether or not there is a set-aside for actual rural students, I will have to get back to the Member on that.

Mr. Derkach: So I will await the responses from the Minister with regard to that, and there is no sense in prolonging that debate, but I think it is very important that we get a response from the Department with respect to this issue.

The last issue that I would like to talk to the Minister about before I turn this over to my colleague, the Member for Ste. Rose (Mr. Cummings), is the issue of deficits in the RHAs in rural Manitoba. One of the issues that keeps coming back to us is the fact that prior to regional health many of our hospitals ran their operations in the black. There seems to be a burgeoning of the administration side. I think the Minister and I had a bit of a discussion about that, and I do not want him to regurgitate the information that he provided before, but I do have a question about the deficits that have been incurred by rural regional health authorities.

Some of our local hospital communities provided a significant surplus, if you like, to the regional health authorities, and were told at the time that those surpluses were turned over, that indeed they would be credited back to that facility when there was a capital program or if there was an upgrade program that was required, and the community could actually that as a credit. We are not sure about the status of that at this point in time, but the other issue has to do with the deficits that have been incurred. I understand that in some regional health authorities there are significant deficits vis-à-vis their budgets.

I would like to ask the Minister whether or not that is an issue that he has addressed or will be addressing. Has he communicated anything to the regional health authorities in that respect?

Mr. Chomiak: Mr. Chairperson, when we went through the budgetary process, we took, I believe, the third-quarter results from the various regions and incorporated that into the Budget projections. That, of course, has changed since then, and we are going through a region-by-region analysis with each region with respect to their financial situation. So we are working with the regions, as we speak, with respect to their financial situation.

The Member asked about the hemodialysis unit with respect to Russell, with respect to the Marquette region or with respect to his area. What we have done with our capital process is, as I indicated two weeks ago, we have made a number of announcements of projects going to tender and those ready to go to tender. We have also advised a number of regional health authorities with respect to the status of the various other projects. In the next several weeks, we will complete that process, and the Marquette region will have an understanding with respect to that particular issue.

Mr. Derkach: You have got two areas confused here, Mr. Chair. I was trying to follow the Minister with his response, but I think he went from one area to another. So I have to go back at the Minister with regard to the second issue. I am talking about the deficit issue, okay. If we can just focus our attention, if I can ask the Minister to join me in focussing our attention on the deficit issue.

The reason I ask the question is because there is a fear that indeed the deficit issue will be addressed by asking the health authorities to live within their budgets. The only way that they are going to be able to do that is to rationalize facilities in their areas, and that is a real fear.

I want to know from the Minister whether in fact that is the direction in which he and his department are moving in addressing the deficits of the regional health authorities.

Mr. Chomiak: Mr. Chairperson, we are trying to review the budgetary situation with respect to each region and with respect to each area with accurate information, and we are trying to deal with the issue on a factual basis. We are trying to deal with the issue without recrimination, and we are trying to come to grips with the services that are required and needed and the needs of the community.

I mean superimposed upon this has been various advocacy from several members opposite about one region being underfunded, another region being underfunded, another area being underfunded. We have to come to grips with all of those issues and deliver the services

and deliver the health requirements that are needed in each region.

In some cases, we have heard representation that the funding is sufficient but allocated inappropriately. In some cases, we have heard representation that the funding is inaccurate, and we are attempting to come to grips with that issue as a new government, having inherited a process where the funding formula was basically the one as proposed by members opposite. But tangential with that has been also a process of a funding review that was put in place and is continuing as to how and what the funding should be. That is the issue that we are coming to grips with in dealing with each of the health authorities.

I mean I know the history of the process. I can go back three years in terms of the history of the process, but I will not deal with that. The fact is we are government and we have to adequately fund, we have to adequately provide for the services. We are endeavouring to do that by working with the health authorities to ascertain the actual needs of the communities in question.

Mr. Derkach: Mr. Chair, this is a serious issue because indeed if the Minister puts the hammer down and says that these hospital authorities have to live within the budgets that were established, then it becomes a very difficult issue for them, and he is forcing them into a position where they are going to have to make some very difficult decisions as it relates to community health services.

Now the Minister told me in Estimates that he had put \$4 million into emergency health services, was it? And I noticed that in the Winnipeg region more than half of that was taken up by the Winnipeg region. There was \$2.1 million that went to the Winnipeg Health Authority, and that was in a news release I picked up today. So out of the \$4 million, \$2.1 million has gone into the city, and yet my understanding was in the Estimates debate that indeed this was an initiative to help augment the difficulties in emergency health services in rural Manitoba, i.e., ambulance services. Yet, half of that budget has been eaten up by the city of Winnipeg, so I would like the Minister to perhaps give some clarity to that issue.

Mr. Chomiak: Now who is bouncing around from issue to issue? No, I have to apologize to the Member. I have to admit the number is not coming into my head right now but the Member is—the \$2.1 million did go to Winnipeg. I stand to be corrected, and I will just check as I go through the course. I think if I remember correctly, I think around \$4 million in addition went to rural Manitoba, outside of Winnipeg, but I will just double-check that figure. But the \$2.1 million, there is additional—the funding that we did to rural Manitoba is almost double what the pre-existing funding was in last year's budget. *[interjection]* Well, the Member says there is a reason for that, but the point is we did significantly increase. I will get the specifics for the Member right away.

* (19:40)

Mr. Derkach: The Minister said I was bouncing around but there is a connection, because the deficits of the rural health facilities, the regional health authorities and the emergency services are indeed linked, because in rural Manitoba the ambulance services are extremely expensive. The Minister says he has put in significant resources as compared to previously. That is true because we were in a transition period where a lot of those emergency services were just being turned over to the regional health authorities, so it is understandable that in a transition period you are going to have to ramp up the funding. This is still a very contentious and very important issue in rural Manitoba, and it is tied to deficits. I am afraid that if the Minister, simply by issuing a directive that says regional health authorities have to live within their budgets, that they cannot incur deficits, that they will have to take some very unpopular measures as it relates to health services in rural Manitoba.

I also am made aware that the Winnipeg Regional Health Authority is presently running a significant deficit, and I think that has been reported. I think that is also an issue, but my understanding is that that deficit will automatically be covered by the Department of Health or by the Minister of Finance, who is with us here today, and it has to be. We understand that that has to be covered. You simply cannot run away from it. But I am hoping that the same rules apply in the case of the

Regional Health Authority here in Winnipeg as they do to the regional health authorities in rural Manitoba. I would like the Minister to provide some clarity to that issue as well.

Mr. Chomiak: The Member is weaving together various arguments and various decrees. Again, let me deal with the emergency situation. There were numerous reports done, and we inherited a report done by the previous administration that made a number of broad recommendations and said that the funding for ambulance service in Manitoba was the lowest in the country. That is what the report said. The report was not our report. The report was entered into and studied. The Member asked: What are you doing about it?

As I have indicated over and over during the course of these Estimates, we took the most significant recommendations in that report and we budgeted for them this year. It had the effect of being the biggest increase to emergency medical services in a budget ever outside of Winnipeg.

Is that enough if one considers the distances and if one considers what is happening, if one considers the need for more and greater first response? No. But we took the first step. This budget put significant funding into rural Manitoba, which included \$1.5 million for operational funding, \$800,000 for fleet vehicles, which, as I understand it, previously there was a purchase of—I am going from memory—20 new vehicles a year. We doubled the funding to allow for the purchase of 40 new vehicles with respect to ambulances, funding for a centralized transportation co-ordination centre of over \$2 million, all of which were recommendations of the report, as well as funding for equipment and dispatch, et cetera, of which there are all kinds of issues floating about.

What we did is we took the report, we sent the report out to rural municipalities. We sent the report out to rural health authorities. We sent the report out to all of the individuals and many agencies and people involved in rural Manitoba. We just did not take the recommendations of a report that had already been done. We took the recommendations and we farmed them out to communities. The recommendations came back

and we endeavoured to try to fund and implement those measures that would, as best as we could, significantly enhance the emergency services outside of Winnipeg, and we implemented them and we funded them. That is the process we had entered into. I think it was a logical process. I think it made sense. The option would have been to do nothing or to perhaps take different recommendations. So that is what we did in that respect.

With respect to the deficits, it is quite clear that of course we would like every agency involved in health care to live within their budget. The counter-argument that comes back from agencies is that our budget is not realistically reflecting the needs of our population. Somewhere in there is the reality of the situation, and we are attempting to come to grips with that.

Mr. Glen Cummings (Ste. Rose): Along the same line as the Member for Russell (Mr. Derkach) was asking, is it correct that there will be a communications central attached to the emergency communications that the Minister just referenced?

Mr. Chomiak: Yes, the intention is to have a central communication dispatch function that would co-ordinate all of the activities around the province and would be capable of connecting quickly and appropriately the requirements.

Mr. Cummings: Has a site been chosen for that?

Mr. Chomiak: I do not think it would be correct to say that a site has finally been chosen for that. There have been some sites recommended for that, but I do not think it is a final decision.

Mr. Cummings: In connection with emergency response, and the Minister might think of this as a ricochet from the last question, but it is the same approach that the Member for Russell (Mr. Derkach) took which is emergency response is not only related to physical capacity, it is also related to location of facilities and expertise of doctors or simply whether or not appropriate personnel might be available in a region.

Has the Minister, to the best of his knowledge, had any discussion or communication that

he can recall with the regions relative to a template where salaried doctors are the means by which a facility is providing medical service as opposed to fee for service and whether or not he intends to interfere in any way with what I understand is an agreement between the various hospital regions that there is a salaried template for hours of work that is a broad general agreement?

On the surface, that makes sense, but I think the Minister might sense where I am going with this, that there are some communities within the regions that, because of the financial constraints that the Member for Russell (Mr. Derkach) also referenced earlier, are reluctant to move outside of what has been a broadly agreed template among themselves. Now the current government came into government saying that they believed there was a way that they could manage better the health care that would assure that there would be better health care services. That was taken to mean in many of the small communities that they would retain emergency response capacity in a way that they felt was not adequate under the template that the regions were imposing on them because of their financial constraints.

* (19:50)

Has the Minister taken any action in this direction? I am talking not about the template so much for where emergency response should be located, unless of course he wants to talk about that, but I am talking about the template for the salaried doctors, as a matter of fact. To be more specific, if you have a community where the volume is not quite high enough to justify two doctors, to put two in there automatically puts the doctor costs above what would have been the normal per capita cost. I am wondering if the Minister has any thoughts on this that he would care to put on the record, because this goes beyond just the template of regional hospital capacity into medical manpower capacity in some of the areas that I represent which, while I hardly call them remote, they can be sparsely populated. It is a very real issue for them whether or not they can have adequate doctor supply.

Mr. Chomiak: This is not criticism of the Member's question. I get criticized for wide-

ranging responses sometimes. I was actually paying—as I do—careful attention to the Member's question. I just want to make sure that I understand. Is the Member asking whether or not the particular template—and I take from that that the particular salary levels or the fee for service—well, let us forget that distinction. It is paid in the particular area because one region may not be in a position to afford additional funding, will not have the ability to attract or retain a particular physician. Do I understand that correctly? What I did not pick up the connection with the Member's question was the emergency services component of it.

Mr. Cummings: Yes, it is directly tied, because what it comes down to is that if a facility does not have an adequate doctor supply to provide emergency response, that can either be limited by an imposed template or it can be limited by the ability to have enough funds to have a doctor on salary to supply that service. I wondered if the Minister was going to leave that in the hands of the regions or if he was going to impose, as he would have indicated during the election, a better system in order to protect these communities.

Mr. Chomiak: Mr. Chairperson, I think that the best system to be imposed is one that reflects the needs and the requirements of the particular community and meets the health needs of communities. I was under the assumption that that was the modus operandi for the Government initially moving towards regionalization and for recognizing and for dealing with the health care needs based on particular regions that have been established by study and established by review. I thought that that was the direction of the previous government, and that is what I thought was the purpose of regionalization in the first instance.

Mr. Marcel Laurendeau (Opposition House Leader): Mr. Chair, committee rise.

Mr. Chairperson: Is it the decision of the Committee that we rise? *[Agreed]*

Mr. Chairperson: Committee rise. Call in the Speaker.

IN SESSION

Committee Report

Mr. Conrad Santos (Chairperson): Mr. Speaker, the Committee of Supply has been considering a motion regarding concurrence in Supply, directs me to report progress and asks leave to sit again.

I move, seconded by the Honourable Member for Dauphin-Roblin (Mr. Struthers), that the report of the Committee be received.

Motion agreed to.

House Business

Hon. Gord Mackintosh (Government House Leader): Mr. Speaker, would you canvass the House to determine if there is leave not to see the clock until 10 p.m.

Mr. Speaker: Is there will of the House to not see the clock until 10 p.m.? [*Agreed*]

* * *

Mr. Mackintosh: Mr. Speaker, would you please call the following third readings: Nos. 7, 37, 29, 14 and then adjourned debate on third reading No. 5, which is listed under third readings.

THIRD READINGS

Bill 7—The Protection for Persons in Care Act

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Health (Mr. Chomiak), that Bill 7, The Protection for Persons in Care Act (Loi sur la protection des personnes recevant des soins), be now read a third time and passed.

Motion presented.

Mrs. Myrna Driedger (Charleswood): Mr. Speaker, I would like to put a few comments on the record prior to the passage of this bill.

Certainly, after having time to peruse the Bill and spending time in committee to address

the issues, we are supportive of the intent of the Bill. I believe it is very important that we do all that we can to protect people from abuse, particularly vulnerable people who may be in hospitals or personal care homes, so certainly the intent of the Bill is something that is very supportable.

I do not find the Bill, though, to be as balanced as I would like it to be. I had brought forward a number of amendments during committee stage, and I would like to make some comments about some of those amendments that were not accepted.

I do find it interesting to note that this bill was brought forward late in the session in '97-98, earlier in 1999, but there was never any vigorous pursuit by the Health critic at the time to push for it to be passed in this House. I believe that the amendments that were brought forward at committee would have strengthened this bill, and I think it would have balanced it, Mr. Speaker. It was interesting to note that a number of the amendments that I had put forward had originally been in the private member's Bill 202 presented by the Health critic at the time, yet during the Committee there was no support for those particular amendments.

I still have a huge concern that this bill puts the Minister of Health in a micromanagement position of a particular issue. I believe that the Minister of Health has inserted himself far too closely into the operation of the health care system. I find, too, that in this particular bill it sets up the Minister as judge and jury, and there are really no checks and balances to ensure that the Minister is totally and absolutely objective. The whole process of information coming to the Minister, the Minister then makes the decision as to whether or not there is enough proof to move forward, leaves this open to a lot of subjective interpretation by the Minister. I guess I am somewhat concerned that the Minister wants to even be in this position, and I find it is a position that is questionable to me as to why a Minister of Health wants to micromanage a particular issue like this.

* (20:00)

I am particularly concerned that the Minister would not entertain the incorporation of an

amendment which would have the criteria for selection of an investigator clearly defined. As it stands with this particular bill, the Minister could appoint an investigator who could be anybody, and if, as in the Alberta situation, they have had 400 to 500, according to the Minister in our briefing with him, reports of this nature, it could actually turn out that we could see 400 to 500 if we had the same number of reports in Manitoba, that many different investigators. I do not think that is right. I think the investigator needs to be somebody who has a great deal of experience, either in the health care system or experience with due process, behaviours of patients brought about because of health concerns, particularly those with complex physical and other cognitive care implications. This bill is absolutely missing the criteria that would be needed by an investigator to say that this particular person or committee are qualified to actually do this.

There is also no defined obligation for the investigator to have any investigative or problem-solving skills or specific experience in this area at all. Had, I think, the qualifications needed by an investigator been clearly defined, it would have been much more prudent and more likely to ensure fairness, balance and consistency, if we would have had the same person identified as the one who would be following through on all complaints. Now, as it stands, it is so wide open to the whim of the minister of the day that you could have 400 reports of abuse, you could have 400 different investigators, because there are no regulations to guide this process at all.

Also, without a guarantee of consistency, we certainly can see cases being handled in varying ways. If we have an opportunity to have many, many investigators involved in cases, we are going to run into, I think, a huge problem with ensuring that privacy of patients is protected. Certainly, health care facilities are very used to carefully protecting charts of patients so that privacy is maintained, but with this particular Act, I understand from the Minister in committee, he tried to reassure us that privacy would be protected but this particular Act, I believe, overrides the FIA legislation, and if you have investigators, which we could have dozens or hundreds of them, how is there any assurance

that patients' privacy is going to be protected, because we are going to have documents floating all over the place that talk about this particular situation. So I have a very real concern about the privacy issue with this particular bill.

Also, there is no guarantee in the Bill of objectivity because the Minister's word is final. If the Minister decides to get a bee in his bonnet about a particular issue, who is authorized to question his decisions. If the Minister happens to get too emotionally involved in a particular situation, can there be a guarantee of objectivity. We certainly know that this bill has arisen because of a very emotional and a very subjective response by the Minister to a former situation. It does certainly concern me that that could be interjected into how future cases could be addressed.

Yet, in the final aspects of the Bill, there is a clause that actually protects the Minister himself from liability. But what if his judgment is off in any of the decision making and there is no appeal process here for the accused, who might be unjustly accused or maliciously accused adds some real concern for me. The Minister and his colleagues in committee also rejected a review of this legislation after three years. I think that would have been a prudent step to take to ensure that there was fairness, absolute objectivity and balance being adhered to in carrying out this legislation. I am very concerned that this particular amendment was rejected.

I think this is really the first significant bill that we have seen come forward from the Minister of Health (Mr. Chomiak). I do see some fairly big holes in it. I was pleased to see that the Minister was willing to address one of the amendments that we had put forward in terms of fining a person who maliciously reports and making the amount of that fine equal to the amount that would be charged to somebody who knows of abuse and does not report it. So I was pleased to see that that particular amendment did get put in there, because I think it might add to the prevention and deterrence to somebody who might knowingly make a false report.

I do have some concern that a health facility in which the suspected abuse is occurring or has occurred is not informed when there is a report

come forward of abuse occurring in their facility. On one hand, there is an obligation for them to protect the patient, yet, there is no obligation for the Minister to inform them when he receives a report that this patient might be being abused, and there is no obligation to tell the facility until after the investigation. So if we have an investigation going on for one or two months, what is preventing the continued abuse during that period of time on this patient? I think that there could have been a way. Maybe the Minister did not like my amendment, but there might have been a way that we could have worked out an amendment to add a further sentence to the amendment to say, unless in the Minister's opinion notifying the health facility could jeopardize this case further or hamper the investigation. I think we could have put something in there. But neither the health facility is notified of suspected abuse nor is the person suspected of the abuse. That, too, concerns me because I think we need to be careful to protect the rights of all concerned.

I think as legislators we have a responsibility to protect everybody's rights in this situation. If there was a malicious report, the accused has little recourse in any direct way to defend him or herself in this situation. Certainly, that amendment is significant to me because I think it addresses the balance and fairness, and certainly under any existing law an individual is innocent until proven guilty. Under this bill, the rights of an individual may become secondary to the process of the investigation, and I do have some concern with that. We have to wonder if individuals that are alleged to have committed some abuse receive the same rights and freedoms as other residents of this province.

The Bill also says that a report can be made against somebody in good faith. To me that is a little bit clear. What does "in good faith" mean? Who determines "in good faith"? In this case, the first person that it could be reported to is the Minister. The Minister then is the one that interprets "in good faith."

This bill states that if the Minister or investigator is of the opinion that the subject matter of the complaint could constitute an offence under the Criminal Code, this was the third amendment, in fact, that was rejected,

which I guess I have some concerns about. The Minister or the investigator is not required to report it. I think it would have been clearer if that had been put directly into the Bill itself. Yes, certainly, anybody is capable of reporting to the police a Criminal Code offence. We would think that that should not necessarily always have to be identified. I think in this particular instance, I would have been much more comfortable to know that the Minister had an obligation as soon as possible to refer this complaint to a police service. I am somewhat left uncomfortable that it is open to some interpretation.

* (20:10)

I do feel that a Criminal Code offence should be obligatory reporting, and built right into this. I am concerned that by not doing that we really have the Minister setting himself up to be judge and jury in these situations. It should not be left open to interpretation that at any time a person can go to the police. I think that is a bit wishy-washy, and it really should be tightened up to truly protect the patient and give the patient rights.

We are certainly pleased, as I said, to see the one amendment accepted because hopefully that will deter malicious reporting and that is definitely something we would like to see. I will be following this act very closely to see how it will translate into action, because I do have concerns, particularly, in the areas that I have outlined. I do hope that the rights of all individuals are protected, and we certainly hope that we do not see abuses anywhere near what we have heard about in the past.

So, as I indicated, we certainly support the intent of this particular bill, but I would have to restate my concern that I think that the Minister really has placed himself in a role far too close to the operations in health care, and during committee when asked specific questions about this, the Minister said "trust me." I take little comfort in that because there is no guarantee in "trust me" that we necessarily are going to have the right decisions and judgments reached for the right reasons. I think there is too much interpretation left over for the Minister of Health, and again I am not sure why he wanted to insert

himself so closely into a situation like that. I think the intent of this is good. I would think that having a more specific process delineated in terms of third party within his department to be specifically outlined that this could be reported to and dealt with and be treated in an objective way where more than one person is the one that is making the decisions about what should or should not happen.

So, based on the intent of the Bill, we are certainly prepared to wish that this bill will have protection of patients, but I certainly will indicate that I will be watching very carefully to see how this actually translates into practice.

Hon. Jon Gerrard (River Heights): Just to put on record a very few comments. Although I have some significant reservations about parts of this bill, I think that the overall thrust of this bill is a positive step. I complement the Minister of Health for it, and I will support the Government fundamentally on this.

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

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

Bill 37—The Miscellaneous Health Statutes Repeal Act

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Health (Mr. Chomiak), that Bill 37, The Miscellaneous Health Statutes Repeal Act (*Loi abrogeant diverses lois en matière de santé*), be now read a third time and passed.

Motion agreed to.

Bill 29—The Health Sciences Centre Repeal and Consequential Amendments Act

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Health (Mr. Chomiak), that Bill 29, The Health Sciences Centre Repeal and Consequential Amendments Act (*Loi abrogeant la Loi sur le Centre des sciences de la santé et modifications*

corrélatives), be now read a third time and passed.

Motion agreed to.

Bill 14—The Provincial Railways Amendment Act

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Finance (Mr. Selinger), that Bill 14, The Provincial Railways Amendment Act (*Loi modifiant la Loi sur les chemins de fer provinciaux*), be now read a third time and passed.

Motion presented.

Mr. Harold Gilleshammer (Minnedosa): I would like to have the opportunity to put a few words on the record on this particular bill. As we said earlier in debate and in committee, this came before us as a flawed bill, and I think the Minister in attempting to correct it brought in a flurry of amendments later on in the process. I think this bill is possibly typical of much of the legislation that this government has brought forward. It was ill thought out. I think the people that these bills affected, particularly this railway bill, there was a lack of consultation with the interested parties out there.

A credit to the Minister that I think we can credit him more so, and perhaps him alone, when we look across the way as being able to respond to the criticism that came forward about his legislation, that he recognized early on that there were problems with this bill, and I think in the end brought forward about a dozen amendments to try and fix it. I say that is to his credit.

I know that we have dealt with other bills, particularly the labour bill, where there seems to be an entrenched feeling that we are going to ram this bill through the way it is no matter what people say. Here you had 50, 60, 70 people wanting to come and present on it and a lot of them with a very common theme, that the process had not been good. This is possibly going to be a hallmark of this first session, that legislation was brought in without fair

consultation with the people that the legislation is going to affect.

I would hope that cabinet ministers and government would learn something from this first session, in terms of really consulting with the legislation. I know that departments always have a backlog of bills that they have been wanting to get forward for a number of years, and if a minister is not going to be vigilant to ask the questions and test out the bureaucrats about why this legislation is necessary they are possibly going to bring forth legislation that, first of all, they do not understand, they do not understand who is for it and who is against it. They do not understand what the need for it is, and I think we have seen that on a number of pieces of legislation. Again, I say to the Minister of Highways' (Mr. Ashton) credit, that he recognized early on that there were many people out there that this legislation was going to affect that really had not been consulted, and at the last hour brought forward this flurry of amendments to try and address some of these issues.

I know that to save face you do not want to pull a bill, and say yes, we have made some mistakes. We will pull this off the agenda and come back another session with it. This is clearly what should have been done, because again, this is legislation there were not a lot of presenters on, but the presenters were people who were intimately involved, in this case, in the railway business, in the business of short-line railways.

Just an aside, the fact that we only had four presenters on Bill 14, it was particularly offensive that such strict time limits were put on these people, and in fact, the first presenter, Roger Cameron from the Railway Association of Canada had flown in from Montreal to speak to this bill only to be told in mid-sentence that his time was up, and here we only had Mr. Cameron and three other presenters.

* (20:20)

I think that Manitobans and certainly us that were in committee found this offensive, and I am sure Mr. Cameron is going to leave this province, and again, he had the same procedure repeated to him a second time when he came to speak on Bill 18. All of the work he had done,

all of the people he represented, all of the information that he had, had to be boiled down to 15-minute presentation, and then he is cut off in mid-sentence. Then he is allowed to respond to a couple of questions. As the Member for River Heights (Mr. Gerrard) said earlier today, we really have to look at this process.

Members opposite have repeated many times that they were more generous with their time. I would dispute that. I can recall bringing legislation forward where we gave each presenter up to half an hour to make a presentation. At other times, there was leave to go on. It was, I think, appalling that new members of the Government side, who were sent to committee—and perhaps they were not served breakfast that morning—they were there to really challenge people. I think it is a sad commentary on the way we do legislation.

But more to this bill, we have precious few short-line railroads in Manitoba. Yes, we do have to be concerned with their discontinuance, but what people who presented, Mr. Cameron, Mr. Gord Peters, Mr. Van Wagenen, said quite clearly, this legislation becomes so restrictive that we are probably not going to see another short-line railroad in Manitoba. Believe me, there are stretches of the national railway chain, CN and CP, that are going to not see any traffic, and they are going to go through a process of abandonment. There are opportunities, and I can tell you I do not think I was alone at committee being so impressed with Mr. Peters, from Cando construction in Brandon, who was the founder of this company and who has tremendous employee ownership in the company. I know many of these individuals, and they have done a wonderful job. Here is somebody who I think has done a great service for Manitoba in purchasing and operating short-line railroads.

This legislation, while the intention may be good, has really gone too far in putting guidelines in place on the abandonment of short lines to the point where Mr. Peters is saying, and also Mr. Van Wagenen, from the Southern Manitoba Railway, that we do not expect to see any more of these created in Manitoba, that these people put at risk their own resources, their own reputation to create these short lines and now government is getting involved in a very

intrusive way to try, I think, to show the provincial flag in these areas where these people are concerned that the investment that they have put into their short lines can never again be taken out.

This is a business that I think is marginal at best. It is a business that is also going to be affected by Bill 18, which gives succession rights to employees when businesses are sold. Mr. Peters said it very well, that he needs people working for his short line that are not necessarily specialists but generalists. When they are not driving the locomotive, they may be asked to fix some track. When they are not doing that, they may be asked to be involved in loading of cars or repairing of equipment.

We know that the labour legislation for employees of railroads is very specific. It indicates that you have a title, whether you be engineer or brakeman or working on the section, that is what you do. No short-line operator is going to accept or make an offer to purchase that short line when he has to inherit quite a number of staff and have them say: Well, no, I might be working for you, but I do not do that, I just drive the engine.

Between Bill 18 and Bill 14, I certainly was convinced by the presentations made by Mr. Peters, Mr. Cameron and others that these two pieces of legislation really are the death knell for any further expansion of short lines in Manitoba. I think that is sad, because we have already seen trackage ripped up in much of Manitoba because there was a reluctance on the part of the major railways to continue to operate them.

There was a reluctance initially to jump into short-line railways and to own and operate them. Now we have got some successful ones. We have the southern Manitoba one. We have the line that runs from Pine Falls into the city of Winnipeg and from Graysville to Winnipeg. I do not think that they have been in operation for a long time that we can say, yes, this is the way of the future, but I can tell you there is going to be a reluctance on the part of these owner-operators to get any further investment.

Mr. Peters said very clearly at committee the other night when speaking to Bill 18 that

they had a number of options that they were looking at. But the legislation being brought forward by this government is going to make him very, very reluctant to risk any more of his resources, to risk going into any more short lines because of the impediments this legislation is putting in his way.

Here is a person who the Brandon Chamber of Commerce named as the man of the year two years ago for the tremendous job he had done in creating these short lines and bringing on staff, in doing salvage work in some areas, in creating employment for over a hundred people in southwestern Manitoba. He was recognized and he admitted the other night that through the Crocus Fund he now has employee ownership of about 70 percent of his operation. He is saying this legislation will make him very reluctant to expand. He will not be creating any more jobs, he will not be accepting any other short lines.

There are areas of Manitoba that we know that track could be ripped up, salvaged in the next 5 to 10 years, and if people like Mr. Peters who have this experience and this knowledge of that short-line industry are going to be reluctant to get involved, I can tell you there will not be anybody else either. You will see trackage in the Interlake, you will see trackage in other parts of southern Manitoba that is going to be abandoned through the federal process, abandoned by CN and CP. It will not be used. Jobs will be lost. The cargo will have to be re-routed on our highways, and people who have a very positive track record will not be there to pick up the slack.

So this legislation, and it has passed through committee, Bill 14, with this dozen amendments that were designed to try and repair very flawed legislation, given the dynamics of the House, will come into effect. I do believe the one ray of sunshine is that the Minister of Highways (Mr. Ashton) may not proclaim this. I think he brought in all of these amendments to try and fix some of these problems. I think he has a much better understanding of the issue today than he had a few months ago when this legislation was tabled.

* (20:30)

I think that he will have saved face with his cabinet colleagues by getting this through the

Legislature, but I think that members of cabinet besides this minister should be concerned. The member of Intergovernmental Affairs should be very concerned about what is happening in rural Manitoba. I know she has responsibilities for the City of Winnipeg as well as the rural municipalities. I would urge her to get into discussion with the AMM and individual municipalities to get a real appreciation of what a risk it is for people to get into the short-line railroads, how they have become part of the fabric of rural Manitoba in the last number of years, how business has been created. There is always the risk, particularly with the line elevators, that more and more of these older-style elevators are going to be abandoned for the larger inland grain terminals which may be located off the short lines and on highways elsewhere in the province. This would be a major, major risk to these short lines, and this legislation is just going to make it that much more difficult for these operators to invest any more capital into these short lines to try and continue to make them grow.

With the legislation that has been brought forward and which will be passed by this government, Bill 14, The Provincial Railways Amendment Act, really I think is going to take the value and the investment out of these short lines. These individuals, who have put their resources into them, may never be able to recoup that investment and you may see them go into bankruptcy. I know what government members would want, but I think this happens when you do not have the appropriate consultation at the front end and all of a sudden you have a bill on the floor of the Legislature that people find many, many flaws with.

Again, I think the only hope we have is that even after it is passed that the Minister will say to his cabinet colleagues we have made a mistake here. We will not proclaim it, and we will just let it sit there, and that is not unusual. In fact, when this bunch were in government before in the mid-80s and passed The Freedom of Information Act, it sat on the books for three or four years, and it was not until we came to government in '88 that it was passed. So there is a way out of this. The Minister can save face. He has made his amendments. The bill can pass.

But I would urge him to think seriously about what he is doing here. This abandonment and the change in the provincial landscape over the last 25 years is not one that we like to accept, because there is a lot of emotion involved in both grain elevators and railroads. In fact, I recall someone saying a number of years ago in the Department of Culture Heritage and Citizenship at that time that if you are buying more art for the provincial collection, do not buy anymore with elevators and ducks in it, because I guess previous governments had bought an ample supply of them. But it was part of the fabric of our landscape, something that is disappearing. These elevators that were the sign post where you could see you were nearing a community, and some of those are gone now and those communities are a little harder to find and identify.

Well, these short-line railroads will continue to keep some of those smaller rural communities alive. I know that the Minister of Intergovernmental Affairs (Ms. Friesen), in her heart, will be very concerned about that, because we have seen a considerable depopulation of rural Manitoba prior to the 1990s. With some of the changes that have taken place in our economy, very positive changes, we have seen more growth in rural Manitoba in the 1990s because producers and leaders of small communities have used some of the programs that were put in place during the 1990s, like the Grow Bonds and others, to find a job-creating industry within rural Manitoba. Again, if we see the demise of short-line railroads, we are going to see the further demise of some of those small communities that depend on those railroads.

So I think without getting into comments that I have made previously on first reading and in committee, I am prepared to leave it at that. I believe there are other colleagues that want to speak to this. This bill is a mistake. The legislation was wrong from the start. The Minister brought in about a dozen amendments to try and save this. I think that he genuinely tried, but the legislation was of such a nature that even on a short bill having a dozen amendments really did not fix the problems. I would urge the Minister—and I know that at some point he may read this—to just reconsider and after it is passed decide not to proclaim it, not to devalue the

investment that the short-line operators have put into their investment and allow them to try and operate it. They are the people who are going to build and operate more short lines if you give them the freedom to do that, so these two bills will work against them, but I think that, if there was some good will on the other side, there is a way to make them continue to operate or allow them to continue to operate and not be overly intrusive in the short-line business. But these bills do not help. These bills are wrong-headed, and I would ask the Minister to seriously rethink them. Even though they are going to be passed, he does not have to proclaim them. Thank you, Mr. Speaker.

Mr. Jack Penner (Emerson): Just to take a few minutes to talk about Bill 14 and the implications to rural Manitoba because rural Manitoba is and has always been dependent, in a large part, on railways and the traffic afforded by the railway companies.

Mr. Conrad Santos, Deputy Speaker, in the Chair

I find it very interesting that this government is, first of all, intent, and you can see it in many of their bills, on taking away the individual rights and freedoms, doing away with challenging the fundamentals of free vote and now are bringing forward a bill which will seriously hamper the development of short-line railways in this province, especially in those communities. I would say to the Member for Interlake (Mr. Nevakshonoff) that, if I was him, I would just blow up at my colleagues for bringing forward this kind of legislation when he has already heard time and time again references to the fact that the two short-line railways OmniTRAX and SMR, currently operating in the province, have clearly indicated that, if this kind of legislation passes, they would seriously have to reconsider their investments or further investments in this province.

The Interlake, especially the north Interlake, is going to be very, very dependent within a year or two when the major rail lines abandon virtually all the branch lines, and I remember the Minister of Agriculture, when she was in opposition, railing against governments for abandoning the branch lines, and today she is

putting in place and supporting legislation that will in fact stem the investments of the short line getting private investors to buy the short lines that are being abandoned by the major rail lines.

Quite frankly, colleagues in this Legislature, let me say this to you: I think we are fast approaching an era in this province whereby farmers will seriously consider whether they in fact need an elevator company, because the costs are becoming so huge. When you look at a cheque that you receive for a load of grain these days, now all the deductions are line by line printed on the cheque that you make, and you lose a third, better than a third, in most cases, for transportation, for handling, for elevation and those kinds of things. Why? Why would farmers want to pay those amounts of money when a lot of the farmers now, today, have a semi-trailer of their own, a huge truck? They have storage capacity virtually on their farm for everything they produce, so why pay double storage and handling?

* (20:40)

Why should they be the ones that are responsible for paying for the brand-new, centralized handling facilities that are being built on the mainline, and sometimes one questions the validity of the decisions some of these companies are making in building these kinds of elevation facilities almost within sight of each other. You have to wonder how many of these kinds of activities and investments by grain handling companies and by railways we could afford.

Then along comes a company such as SMR, Southern Manitoba Railway, that is willing to buy these short-line tracks and provide services to smaller operations, smaller elevator companies, in small communities, keep these communities alive, keep these small grain companies going, shorten the distance of travel for farmers, getting more semi-trailers off the road instead of on the road, and then along comes the provincial government and introduces Bill 14.

The Minister of Agriculture (Ms. Wowchuk) has time and time again railed against the federal government for allowing the

abandonment of the branchlines. She and I were in total agreement with that, yet during her tenure the federal government has made announcements to reduce even the time allowable for the abandonment of any of these branchlines. Yet what we have heard? What have we heard this government say in regard to that?

We heard them say we will introduce Bill 14 to put even a further impediment in place for the investor that might have had an interest in buying these short-line railways after they are abandoned by CN and CP.

This is a problem. This is not a problem for virtually everybody sitting on the government side of the House here except the Member for Interlake (Mr. Nevakshonoff), except for the Member for Swan River (Ms. Wowchuk), except for a few other members who might be affected by it, one of the ministers just east of here, and yet we hear nothing from this government. We hear nothing from this government on this matter.

You all know, we all know, those of us that farm know what the cost of shipping, handling grain has done over the last couple or three years. It has gone straight through the roof. I smiled at the Minister of Agriculture when the Minister of Agriculture came with this big \$100-million announcement, that we would now help support the cost of shipping grain.

Do you know that \$100 million is peanuts compared to the additional cost that we will incur over this year and next year? The Minister of Agriculture says oh. I say to the Minister that we had a great opportunity seven, eight years ago when the then federal government came along and said we would put \$8 billion on the table and put it in a fund. If we had taken the interest and invested it at that time at those interest rates, we would have had far, far more than \$100 million in Manitoba. Yet what did she say and what did her colleagues in Opposition at that time say—it was silly. She said it was silly, and yet here she is supporting a piece of legislation that will add even more silliness to the process. It will be a disincentive for anybody thinking about making an investment in the province of Manitoba and buying a short-line railway.

Helping to lower the cost of shipping grain, taking trucks and traffic off our highways, and the Minister of Highways (Mr. Ashton) this year removed another \$10 million out of his capital budget for Highways. The Minister of Conservation (Mr. Lathlin) says it will be a frosty Friday morning before southern Manitoba will see one dime in highway construction. Yet here is a government that will introduce Bill 14, adding insult to injury, adding labour problems, adding the problems of labour, enforcing unionship on the investments in our transportation system.

Well, I say to the honourable members and to the ministers opposite you need to seriously consider how you communicate with your colleagues and with your voters in rural Manitoba. You have absolutely no idea. You have nobody from rural Manitoba except the Minister of Agriculture (Ms. Wowchuk) who lives there but does not farm there anymore. They live on a farm, but do not operate it themselves, have very little understanding of the true nature of agriculture today, have very little knowledge of the true nature of agriculture today, have very little knowledge of the huge diversification that is going on in agriculture today. Yet they make these kinds of decisions. It is clearly an indication that they do not want to have any knowledge of the impact to rural Manitoba of this kind of legislation.

I think it is important that we put on record our opposition to this kind of legislation. I think it is important that we identify clearly the loss of jobs that will happen if you see more of this kind of legislation being put on the record by this government. This NDP administration clearly only wants to do one thing. It wants to cater to the union bosses that govern them, that direct them and dictate to them. That is what this NDP Government is all about. This NDP Government clearly, by indications that have been brought about now and comments that have been made in this House on Bill 44, on Bill 42, on Bill 4, Bill 12, Bill 14, and we could go on and on. It is control legislation without question, and it is being directed by a very few people in this government. I think the cartoon displayed in the *Winnipeg Free Press* today, with the cartoon, a ring in its nose and a chain at the end of it, is a clear indication of what the general public feels

about the Premier (Mr. Doer) of this province, because he is clearly being led by the nose by a few people in this province. I think this legislation again only speaks to that.

I think it is time that we voiced our opinion loud and clear so that the people in rural Manitoba and in the city of Winnipeg clearly understand the economic implications of this kind of legislation. Clearly, you are going to see a downturn in the economy, and it will not wait till next year. I believe it is starting to happen already.

When I look at the livestock review process that the Minister of Agriculture (Ms. Wowchuk) initiated, you know originally I thought maybe she truly had the industry at heart and she truly maybe had the environment at heart, but I know now what it was intended to do. It was intended to put a stop to the expansion of the hog industry in this province, and that is exactly what is happening. In my area there was a 30 000 hog operation that was on the drawing boards for southeast Manitoba. A stop has been put to that. There was a hog operation within three miles of where I live, a three-barn operation; 15 000 hogs a year come out of that facility. They put a stop to that construction. All over this province when I talk to hog producers or investors in the hog industry, they are holding all further plans of construction. Do you know why? Because they say these livestock hearings have added a measure of uncertainty to the industry, and we will do nothing until we know which direction this government is going.

I think it is clear where this government is heading. I think it is clear by all measures of their indication. It is control, and without any regard for the economy and the growth industry. I think that is being made very clear by the legislation and the initiatives that this government has taken. I think the Minister of Agriculture (Ms. Wowchuk) needs to seriously reconsider her position on these things, because adding uncertainty to any industry only leads towards a stemming of further investment in that industry. That is exactly what is happening. There is a moratorium happening right now, but it is a quiet moratorium. Nobody is saying anything, they are just waiting.

* (20:50)

I think the question that was put here last week by my colleague regarding Schneider was a very valid question. I have not seen a Caterpillar on that property turning dirt yet. I say to the Minister of Agriculture it was her doing that Schneider is waiting, because Schneider will not build, neither will Maple Leaf expand to a second shift until they see clear evidence of the primary sector making the investments that are needed to give them the supply they need to hire the people that they said they would hire.

I truly believe when they settled here and when they announced their expansion they had every intention of moving full steam ahead, because they were quite convinced that this province was on track with encouraging further development and diversification in the agricultural sector. This kind of legislation only supports what I am saying here today. This kind of legislation puts another impediment into being and adds further questionability to anybody making an investment on any of the branch lines that could be considered for short-line operation.

Do you think anybody today will build a processing plant on any one of these rail lines that is questionable today? Do you think that anybody will make an investment to try and operate that branch line with this kind of legislation? Think again. Because we have heard too much of this already. I think SMR in the meeting that we had with them clearly indicated to us how hesitant and probably how sorry they were that they made the initial investment, because they are now going to have to live with this kind of legislation. Nobody, nobody expected a government to move in this direction.

So I say to the Minister, do yourself a favour. Bank this legislation. Bank it in a deep vault. Lock the vault and throw away the key. Then we will be on the right track.

Mr. Glen Cummings (Ste. Rose): Mr. Deputy Speaker, I rise to put a few words on the record in relation to this bill. I would also reference its sister bill, which I believe is Bill 18, The Labour Relations Amendment Act, because effectively what the Government has done in introducing

these two bills is provide a one-two punch to knock out the initiative, knock out the willingness to invest in short lines in this province. We have very few left, and there are very few options for many more to be developed. So it is an absolute wonder to those of us in rural Manitoba why the government of the day would choose to introduce this type of legislation.

I would go further than my colleague from Minnedosa, who suggested perhaps if they wanted to save face they could pass this bill which we are in the process of dealing with tonight and perhaps not proclaim the bill. But then it will hang like the Sword of Damocles over top of anyone who might consider investing in short-line railways in this province.

While I know the Government likes to chuckle and reacts defiantly when we on this side suggest it, this frankly is another candidate for withdrawal, because we are dealing with a situation where if we are not expropriating without compensation, we are certainly creating an uncertain situation where, to my understanding of those currently involved in the business, they would not very seriously consider further expansion into short-line business, because, frankly, their feeling is that under the conditions that they would be required to operate, even given some of the amendments that we have seen in committee, they would choose not to get involved, even if the lines were given to them, because we do see two large national railways walking away from many of what they consider inefficient short lines. The secret to survival of those who would invest in these short lines is that they be given the freedom to operate in a manner that encourages them to invest risk capital. They will only do that if they have an opportunity to operate very efficiently.

They have a reason to be concerned about the involvement of any clauses in The Labour Relations Act, because in fact they do need a different type of operating standard than the national railways do. Not a different standard in terms of safety, but a different standard in terms of the requirements for operation that they will seek to have from those that they may engage to work on the line. They need to be able to be

dramatically efficient in order to compete with what are now some of the most efficient trucking systems that I have ever seen and some that go beyond what I think was my wildest dreams in terms of being able to efficiently move grain on rubber. The fact is a short-line rail system can beat that if it is given an opportunity to be competitive in a relatively unfettered way.

Mr. Speaker in the Chair

I see the Government House Leader (Mr. Mackintosh) is listening carefully, or perhaps he is not, but at least he is giving the appearance of listening carefully. I hope that he would use his influence in cabinet, as I would the Minister of Finance (Mr. Selinger), to think carefully about what is the rationale for dealing with these short lines.

I am not prone to saying the sky is falling. I hope that I have proved that in the debates in this House. I sincerely raise the concerns around these two bills. Short-line rail operations, while they can be multimillion-dollar operations, they are very often based on salvageability of the line they take over, the value that they can make out of the line if they can operate it on a seasonal basis or on a part-time basis or if they can take equipment and move it from one line to another. So help me, it can be as simple as a modified semi-trailer truck that can be used on more than one short line. That type of innovation, which is not really an innovation anymore, but it demonstrates the flexibility, the efficiency that these operators would have to have in order to be able to compete.

While there may have been some tinkering around the edges in order to protect communities that this government would have been well advised to consider, I am not even sure that is the case, because up until now we have had a distinct problem in this province encouraging short-line investment. Now that we have a couple of operators who have a couple of lines under their control and they are operating them, they are considering other lines as they come up, and there will not be a lot of them—this will soon be an irrelevant debate—why, why would any government choose to make it more difficult? It just does not make sense.

The Minister of rural development or the Minister of urban development, proper title today municipal development, or however I should be referring to the minister appropriately—

An Honourable Member: Intergovernmental Affairs.

Mr. Cummings: Intergovernmental Affairs. You see I have a little trouble with these fancy titles, but the problem is why would she not look to her colleagues and say we do not need this today? These operators do not need this aggravation. Do the communities need it? Well, up until now, I have not seen any co-operative developments that have come out of communities. They should not be limited, if they wish to become involved, but my experience and my recommendation regarding the affairs of short-line railways is that they need to operate in a relatively unfettered manner. Saskatchewan has managed to reduce and virtually eliminate any opportunity for short-line development in their jurisdiction.

Mr. Speaker, I am sorely aggrieved that I cannot think of a good reason why this legislation should be put in place. I appeal through you to the Government, for them to carefully consider this. I will stand in my place and loudly credit the Government with having given sober second thought to these bills, if they will reconsider the position that they are taking on these bills and the imposition that it is causing into the operations of short-line railways, and the potential for the reverberations in the board rooms, if you will, or in the offices of the owner-operators of these short lines, if they will seriously reconsider their position. They have said so in committee.

* (21:00)

We do not believe the amendments answer their questions and concerns. Frankly, as I have said once already, it simply is not necessary. It creates a regulated climate that is counter-productive. I do not think I can be any more succinct than that. This is third reading. We are expected to wrap up debate on this. I am saying to the Government: For goodness' sake, take a look at what you are doing here. It is not needed.

It is not wanted. It is detrimental. Please withdraw it.

Hon. Jon Gerrard (River Heights): Mr. Speaker, I would like to make a few comments on this railway legislation. I would comment in the form of a story, a story of a minister of highways who, one day, decided that he was going to get on his bicycle and go for a bicycle ride. In organizing his bicycle he had neglected to realize that he had some rather poorly prepared tires. He set off down the road. It was not very long before one of those weak spots showed up. It went pooft. Of course, he had a flat tire. He got out. He had some patches there and took the tire off and patched the inside and put it back on and blew it up and started down the road again. Well, he had not gone very far before another weak spot showed up and pooft. There he was with another flat tire. This went on and on until the tire was full of lots of patches and still not performing very well.

Well, Mr. Speaker, the story of this legislation is similar to the story of that bicycle. It was very poorly prepared in the beginning. It has lots of patches until it looks more like a patchwork quilt than a proper bicycle tire. I am afraid that it really does not pass muster in any way, shape or form. It is a sad commentary on the skill of the Minister of Highways (Mr. Ashton) that he did such a poor job of putting this together in the first place. Although compliments may be due on his efforts to put on those patches and his hard work in trying to put the tire back together again, I am afraid that it is not really nearly as serviceable as he would like to believe. With that, my comments rest.

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, I rise, as well, to put a few words on the record in regard to Bill 14, The Provincial Railways Amendment Act. I just want to say that during the course of the debate on this particular bill, I had the opportunity of meeting with some of the groups that run the short-line railroads in Manitoba and as a farm leader having had an opportunity to deal with short-line development in regard to the closures of some of the federal rail structures that we have in Canada, CN and CP's major move, I guess if you will, to realign their structures in the Prairie economy, the landscape of today, and different bills that the

federal government have made, particularly with the changes in the Crow benefit, in August 1, 1995, that I have heard too many times in this House, has brought forth a whole new structure that is required and provides a whole new opportunity on the Prairies for the reassembling, if you will, of the kinds of transportation mechanisms that were used for grain in the Prairie region.

Certainly, through the CTA, Canadian Transportation Agency, and the Transportation Act in Canada, there were definitions brought forth in the regulatory requirements of those bills that provided for the dissolution, if you will, of some of the short lines across Canada, and particularly in the Prairie region because, of course, we have the largest expanse of mainlines running from the Ontario-Manitoba border here, basically through Winnipeg and on out to the Rocky Mountains to get to Vancouver. Many of these have provided us with an opportunity, and many of the spur lines, if you will, are not mainlines. I should not refer to them as spur lines, but lines which are not on the main track that can be very valuable in subsequently moving grain from, if you will, some of those areas to the mainline.

There were 30-day requirements brought forth under those acts that required the railroads to put them up for sale to any other short-line operator that required them. But first it had to go to the various levels of government and be offered for at least 30 days to the Government of Canada, then to the provincial government through which that particular line dealt, and then on through the municipal and the levels of government that have had the opportunity to be in existence within the jurisdiction of that particular short-line railroad.

This act, Bill 14, also goes on to say that it may be required to provide the municipality or the First Nations with an opportunity to pick up this rail line if it passes through their region. You know, this bill removes the requirement that before granting that licence to operate a provincial railway, the Motor Transport Board must be satisfied that the proposed operation is economically viable.

This presents some problems in the fact that they may not be willing to grandfather some of

the short lines that have already been brought into what we would consider to be economically viable today or at least to look at the investment that some of the railroads have made out there in regard to short lines today. While they are required to haul all products or have the opportunity to do that, at least, this bill does allow them the opportunity to limit the amount or apply at least for products to be not hauled on those lines.

A similar bill that has been brought forward and was actually debated today in committee, Mr. Speaker. Bill 18, The Labour Relations Amendment Act, has also got an impact on short-line railroads from the point of view that when you look at successor rights in regard to any industry or any business that is sold in the province of Manitoba, it may have an impact that they would have to be honouring any kinds of collective bargaining that had been arranged. Any agreements that had been put forth from the federal level would therefore fall upon the jurisdiction of the company within the province that it wanted to operate, to carry on with, even though they did not have anything to do with the negotiations of those agreements and would fall under a whole new business structure, as opposed to being under a federal railroad in this particular case.

I think, Mr. Speaker, those are some of the main areas of concern with regard to Bill 14 and Bill 18 in regard to the ability to provide opportunities for the viability of farming in the future here in the Prairie region. We are concerned particularly in this case with the viability of Manitoba farmers and Manitoba processors to get their product to the market that they need to.

The situation today is, even though there is a crop that is coming off at this particular fall time, Mr. Speaker, in much of Manitoba last year there was not a crop to come off. As you know, there was over a million acres that was not seeded a year ago, and that changed the dynamics of the revenue available for agriculture in much of Prairie Manitoba. This year, with the prices being somewhat lower than they were a year ago, even with a good crop, many, many farmers are going to have a hard time finding a way to get a few shekels out of this particular

crop, if you will, and make a viable living and a viable return on their investment this particular year.

That is going to be even more important as to why farmers need to make sure that they limit any kinds of transportation costs that they can. As my colleague from Emerson referred earlier, there will be every attempt made to process as much of this product as we possibly can right here in Manitoba and as much opportunity as we possibly can to limit the kinds of distances and transportation that we are going to use in the future. Unless we remove some of the inhibitions that these kinds of bills put upon, in this case short-line railroads, to exist, then we are going to see an increased transportation cost to farmers as one of the means by which farmers could produce in turn and add more net value to the crop that they are in production on this year.

* (21:10)

I am going to close, Mr. Speaker, in regard to this bill and the discussion. I just wanted to make a few remarks in regard to both Bill 14 and Bill 18 as to how they impact on farmers and our ability in rural areas to continue to make a viable living and add net return to our farming operations today in Manitoba and therefore be supportive of the Manitoba economy, which every farmer wants to do in this province and wants to make it a viable place for our families to be raised and have an opportunity to succeed in the future. Therefore, I would leave that with you at this time, and I will turn it over to one of my other colleagues here to say a few words on this bill, if they wish. Thank you.

Mr. David Faurshou (Portage la Prairie): Once again, I rise and express the privilege to address Bill 14 in regard to third reading and pertains to the operation and creation of short-line railways here within the province of Manitoba. Mr. Speaker, I truly believe that short-line railways have a place here in the province of Manitoba, and I believe that the Government is perhaps acting in haste in regard to the current legislation which pertains to the operations of the short-line rail industry in this province, both with their Bill 14 and Bill 18 that are currently on the Order Paper before us.

The operation of a short-line railway fills a niche as a producer of agricultural products, of which agricultural products provide more than two-thirds of the actual tonnage hauled by railways within our province. It is a very substantial influence on the industry to which I was raised. As a producer, I am concerned about my freight costs, and as everyone can appreciate next to the shipping, rail operation is the most efficient mode when it comes to actual energy consumption for tonnage moved. This is why the rail industry within our province is vital to agricultural industry, for a conveyance of farm products to marketplace in the most efficient and cost-effective manner.

We realize, though, there is rationalization occurring all across the Prairies, and this is why legislation, as it pertains to short-line railways, is very, very important. We have heard from numerous individuals that have invested in this industry already, and I really would like to emphasize to the ministers of government to take in and really clearly evaluate what has been said by those operators through their experience. I know that the Minister of Finance (Mr. Selinger) within the Chamber will appreciate that there are significant dollars collected by the Province each and every year in regard to the rail industry from the taxation that is levied by the property taxes, as well as wages paid in addition to the locomotive fuel tax that is received by this government in the general revenues. It is very, very important to understand that keeping these rail lines in our province is vital, on more than just one front, not only the consumer of the services but those industries and government that rely on these operations to remain viable.

My honourable colleague from Minnedosa put forward a resolution that was defeated in committee. I would really genuinely like to have our House leaders discuss that particular amendment, which essentially grandfathered in the existing short-line railways in this province that have already invested under previous legislation, previous regulation.

To change the rules on those persons that have invested under previous parameters, I think it is important to make that amendment a reality so that they can continue with their business plans, which have been provided to financing

institutions. Those investments are at risk under new rules of which we are having discussion and debate here today. So I would ask the consideration of this House of that amendment and whether or not some language could perhaps be brought forward from the Government side of the House that is perhaps a little more appealing. You may not even have to change some of the language within the amendment, but have it moved by a government member. That would be, as I say, appealing to the members opposite so that they would have opportunity to support it. I think that is a very important move and should one of consideration.

I rise here this evening to speak of Bill 14. However, one cannot speak solely of Bill 14 when Bill 18 has a direct impact on the same industry and raises a great deal of concern to myself and other members on this side of the House. I truly believe when we are looking at the future of our province, we should not do it in haste. I believe both Bill 14 and Bill 18 have been brought to this House in haste.

We have a golden opportunity to bring forward legislation that could provide a foundation and a climate, that this industry of short-line railways could flourish, like we looked to the late 1800s when the initial rail beds were constructed which opened the west and tied this nation together. I think that the continued operations of rail lines within our province is just as vital today as it was then.

We want to be able to encourage this government to look upon this industry favourably. There was a great deal of thought put forward to the presentations that were received last evening in regard to Bill 18. A gentleman who represented the Railway Association of Canada put forward a nicely bound presentation that was supported in numerous appendices which provided the added information supportive of their position that Bill 18 should be amended as well.

Perhaps I will have an opportunity to speak further at that time on Bill 18. Having had this opportunity, I want to make certain that members of the Legislature are clear in my position regarding these two bills as they pertain to the short-line rail industry within our

province, linking our southern borders with our northern borders, west with east.

There is no other conveyance that has the capacity to transport the needed commodities that our province has come to expect and needs for future development. I certainly do not want to overlook the importance of air travel within our province. However, when it comes to the actual study of importance when it comes to freight, that air plays perhaps a very minor role in comparison to rail and train traffic within our province. We must give every due consideration towards the bills we have before us this evening as it pertains to the provincial short-line rail industry.

Mr. Speaker, having said that, I hope that I have made some important contribution to the debate here this evening because our future of this province relies on transportation and conveyance of goods and services, and the rails of this province provide for that in a stellar fashion. We cannot afford to lose the rail system which we have today if there is any opportunity in which to preserve it and make the best use of it into the future.

* (21:20)

Mr. Speaker, I thank you very much for the opportunity to participate in the debate here this evening and would now like to turn the floor over to other colleagues. Thank you.

House Business

Mr. Mackintosh: On House business, Mr. Speaker, I wonder if you could canvass the House to determine if there is leave not to see the clock until 12 midnight.

Mr. Speaker: Is it the will of the House not to see the clock until 12 midnight?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed.

* * *

Mr. Frank Pitura (Morris): I would just like to make a few comments about Bill 14, The Provincial Railways Amendment Act.

Mr. Speaker, it was not, I think, that long ago when the previous government brought through legislation that dealt with short-line railways in Manitoba, so the legislation has been relatively new. When I first saw that there was railway amendment legislation being put into place, I was kind of surprised that amending legislation will be coming forth so quickly.

I have a personal interest in this particular piece of legislation because, within the constituency of Morris, the Cando line operates the Carman-Graceville subdivision which was abandoned by the CP rail. The Southern Manitoba Railway operates the line from Morris to Hartney so both railroads do operate in the constituency of Morris.

I guess, when these short-line railways came into Manitoba, they came in under a piece of legislation that was quite different than this one that is being proposed now. They were able to enter this province and take the risk of purchasing the rail line and the bed in the attempt of operating it and trying to generate a profit by these lines.

This legislation, Mr. Speaker, that is being presented now changes dramatically in terms of the value of their asset that they have in that line. This legislation subjects them to the same, I believe, practice that when the CP and CN rails gave up their rights to the line, the process that they had to go through. So there is that risk that these two companies, if they find that they cannot operate those lines and make a profit, then they will probably want to shut them down or sell them. If they decide to do that then this legislation could very well see them getting zero dollars for the value of their asset, which I think is the wrong approach. They came into this province to operate these lines under a different set of legislation with different assumptions. They were under the assumption that this legislation that was in place was here for the long period. So they, I think, would be unfairly treated now with this legislation, if it should pass.

The other aspect of it, Mr. Speaker, is that along with Bill 14 comes Bill 18, which is a succession of labour contracts which, as I think my colleague for Minnedosa had indicated, there

is not the specialization that there is with the large railroads. They expect that the staff who works for these railroads will be the engineer, the brake man, they could be the salesperson, the marketing representative, customer claims representative, a number of roles that they could play.

I just bring to the attention of all colleagues in the House that when Carman was enjoying their large homecoming in July, that the Cando rail line and its staff, for that occasion, decorated their locomotive with the banners and colouring to suit the Carman homecoming, which you would not get out of CN and CP, but they did that specifically as part of their contribution to the community of Carman. So it drives the point home that Bill 18 would really restrict this railroad in being able to manage its own affairs and for its staff to be able to be flexible enough to do many of these other things.

So, Mr. Speaker, it would be my desire that the Minister of Highways and Transportation (Mr. Ashton), I understand that he understands the concerns that were registered with Bill 14, and he understands this industry a lot better now than he did before, and I think and I hope that he will see that Bill 14, although it may become legislation that is passed, that he may indeed find that the legislation would be best left unproclaimed and to sit down with the existing short-line rail companies that are operating in Manitoba and work with them in terms of what is the best interest of some of our lines that are to be abandoned or abandoned now in terms of short-line operations taking them over. I think if he does that, I think that is the honourable thing to do. I think that is the right thing to do. I think that is the right approach in terms of addressing the problem of rail-line abandonment in Manitoba and the subsequent takeover by short lines.

It is an important industry in Manitoba. It is a very cheap cost of transportation on a per unit basis. So it is vital I think that the short lines be given as much incentive to set up here in Manitoba as possible, rather than disincentives, because they still contribute a lot to the Manitoba economy in terms of being able to get our products that are produced here in Manitoba to the various markets they are destined for, and can do it in a very economic fashion.

So, with those few comments, I then say to the Minister of Highways and Transportation that I hope that he will see that the best way to handle this legislation is perhaps to have it passed but not to have it proclaimed. Thank you.

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

Voice Vote

Mr. Speaker: All those in favour, please say yea.

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

Formal Vote

Mrs. Louise Dacquay (Seine River): Yeas and nays, Mr. Speaker.

* (21:30)

Mr. Speaker: A recorded vote has been requested. Call in the members.

* (22:00)

Order. The question before the House is third reading, Bill 14, The Provincial Railways Amendment Act.

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Aglugub, Allan, Asper, Barrett, Caldwell, Cerilli, Chomiak, Dewar, Doer, Friesen, Jennissen, Korzeniowski, Lemieux, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Nevakshonoff, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Selinger, Smith (Brandon West), Struthers, Wowchuk.

Nays

Cummings, Dacquay, Derkach, Driedger, Dyck, Faurshou, Gillehammer, Laurendeau, Loewen, Maguire, Mitchelson, Penner (Emerson), Penner (Steinbach), Pitura, Praznik, Reimer, Rocan, Schuler, Tweed.

Madam Clerk (Patricia Chaychuk): Yeas 29, Nays 19.

Mr. Speaker: I declare the motion carried.

Bill 5—The Wildlife Amendment Act

Mr. Speaker: Resume debate on third reading, Bill 5, The Wildlife Amendment Act (Loi modifiant la Loi sur la conservation de la faune), standing in the name of the Honourable Member for Steinbach, who has 33 minutes remaining.

Mr. Jim Penner (Steinbach): Mr. Speaker, I would like to put a few words on the record at this reading of Bill 5, The Wildlife Amendment Act. It went to committee on July 19, I think, and July 20. Also, an amendment was passed on July 20. I have read the Bill several times, and I have tried to figure out the intent. As far as I can see, the concerns that have been expressed about Bill 5 are chiefly in the area that it is too vague and too uncertain, and gives the Minister unrestricted powers.

Many of the bills that we have seen come into this House this year targeted somebody or some incident, and they were proposed to deal with a situation, sometimes like the drainage bill just targeted one farmer in western Manitoba who happened to have made a mistake in draining part of his lagoon into public property. It seems that there is some question about constitutionality or constitutional correctness when a bill just seems to target one situation or one farmer or one mistake because the Bill seems to just single out some individual.

In the case of Bill 5, we have had considerable discussions on what species are indigenous to Manitoba and what species are exotic. I have been a fairly avid deer hunter for about 20 years. I do not hunt right now, but I did hunt in Saskatchewan and Manitoba and

Ontario. I thought it was a tremendous sport for exercise. I thought it was tremendous to get together with friends. I thought it was tremendous as an opportunity to get some exercise and fresh air and fellowship with friends.

The hunting was not very interesting to me, but it was something that we could usually be successful at. While I was out hunting, I met people who had a background in the deer hunting. I was told that in Manitoba 100 years ago, there were no deer. I was told that until the farming developed in the mid-states, the deer started to move up from Texas into the midwest and finally into the northern states. One hundred years ago, when farming developed in Canada to the extent that there were sizeable crops and sizeable fields, the deer started to move up across the 49th parallel.

This brings to question, Mr. Speaker, what is indigenous and what is exotic? My question might be, if there were no deer in Manitoba 100 years ago, is that indigenous or is that exotic now that they exist over here? I have also read the statistics on the number of bison in Manitoba. I guess at one point they were considered extinct. At this point, there are a fair number of bison. I will get to that later on. But certainly we have come to a situation where we lack definition. Because when they talk about exotic species, parrots have been here for 20 years. So is a parrot exotic or indigenous? A hedgehog or a guinea pig that is being produced in Grunthal: Is that an exotic species or is that indigenous?

It raises far more questions than it answers, because we really do not have these terms being defined. When it is all at the will of the Minister, I get very nervous. I find out that I am not the only person that does not understand this.

I have been reading the submissions made by various farmers involved with different kinds of animals, pet shop owners involved with different kind of animals. It becomes very vague as to what is an indigenous or what is an exotic species. It seems to me that for the Bill to make any sense at all, you would have to define exotic species according to when that species started to exist in this province. If that species was here 30

years ago, maybe it is indigenous. If it was here only 10 years ago, maybe it is exotic. We really have not defined that.

I think we are going to pass this bill, but it just creates confusion, and in some cases it creates fear. There are people who have made investments. They are fearful for their investments, and in some cases it has created anxiety. I almost feel it is justifiable to have fear, anxiety and uncertainty over this bill because of the vagueness of the Bill, and the fact that maybe it is just up to the Minister.

Sometimes I ask my colleagues, being new over here: How would that sit with the Opposition if we were the Government and we put all the authority in the hands of the Minister? The other thing that I have been asked repeatedly in circles of friends is: What is penned hunting? At this point, the size of the pen is undefined. The breeds of the species are undefined and whether or not it is a business.

* (22:10)

I really would have a lot of trouble defining what is penned hunting after I have read all this literature. It just seems awfully vague because many times, when we have shot deer, they have been inside of a fence. I did not think of it as penned hunting, and I did not pay anybody, but if an American wants to hunt on a section of land where there are a few elk, I would say that the income is very useful to Canadian farmers. I would look at it as a very humane way of ending the animal's life. When you think of some of the euthanasia that goes on, I have experience in hunting, it is a very humane system.

A few years ago, when I was still hunting in Redvers, Saskatchewan, they had a two-deer season. I thought that was unusual, and I asked about that. What happened was that the farmers were losing so much of their crops. They agreed with me that the deer were not native to Manitoba, but now that they are here in such numbers, in Saskatchewan they are certainly using up a lot of the proceeds of the production of the farms. I noticed at night that the deer would graze with the cattle. Even in the feed lots, the deer would jump in and graze with the animals. So I guess, if the farmer had a hunting

licence and an animal jumped into the pen and the farmer shot it, it would be penned hunting. There are so many very vague things about this. We have even asked for some legal opinions, and I will get to those later on.

One of the things that scares people is when they have made an investment. Capital is hard to come by. Before a person goes into business, he has to acquire some capital. Sometimes you can borrow quite a bit from the banks. Sometimes you have to borrow it from relatives. Sometimes you have earned it over 20 or 30 years of hard work, but people who are risk takers, who go into business, need capital. They are fondly called capitalists by socialists.

We often see these people taking huge risks after earning money for 25 years. The person decides to go into business, and let us say that business was raising bison. We have not determined yet whether bison are an exotic species, or are bison indigenous, given the fact that there probably were no bison for a good number of years and that they should fall under the Department of Agriculture, and there are more bison producers in Manitoba than poultry producers. I will give you numbers on that later on.

I would say that there is a great fear among people who have made investments. They have acquired capital from one means or another, and they have invested that. They are risk takers. These are the people who make jobs in Manitoba. These are the people who cause the economy to boom. The risk takers and investors need a sense of security because they have probably spent 20 or 30 years' worth of earnings in their project. Now, under this bill, they feel that they are in danger. Their livelihood is in danger, and their investment is in danger. When I read the correspondence that we have received on Bill 5, it is very clear that many of the associations, the animal associations, the stock breeders' associations, are very concerned that their investment is at risk unnecessarily because of government intervention.

Some of the intervention is probably due to the fact that so few people understand agriculture. We heard today in this House that very few people are involved in agriculture.

Even probably the Minister of Agriculture (Ms. Wowchuk) is not very familiar with some of these things, and maybe, probably the Minister of Conservation (Mr. Lathlin) is not familiar with what is happening out there. So what I see happening is that the bills that are coming forward are probably generated by people who have lived in the city all their lives, people who do not have an understanding of livestock, people who do not have an understanding of sport hunting, people who do not have an understanding of recreational activities that involve hunting.

I would say that the motivation for some of the legislation may actually have come from people who have no experience about farming. I said in this House recently that a farmer does not wear a plastic or rubber glove and walk around behind his cows and dogs and chickens and cats and pick up the droppings. This is seemingly not understood. Farm production is not understood by many people. This is further brought to bear, the fact of this matter is further reinforced by the fact that probably only 3 percent of the people in Canada are actively involved in productive farming.

So I would suggest that the vagueness of this bill and the purpose of this bill both create a lot of the concern, the uncertainty, the anxiety that we see happening in the questions that are raised around this bill. We are not quite sure what targeted this bill, what triggered this bill or what the Bill is really, really designed to do.

We have farmers raising wild boars. I have a former employee. He is raising wild boars. This is something that can be done for many purposes. Of course one of the purposes is that they allow people who want to pay a big price for hunting a wild boar to do so. It is very difficult to pen a wild boar. Anybody who has been on a wild boar farm will realize that the escape rate is quite high. It is almost like Headingley. The wild boars are hard to keep in a pen. In any event, they are very elusive and given the ground cover, the overgrowth of ground cover, a wild boar that does not move is almost impossible to see. So hunting a wild boar, if that is on a reasonable size of land, does not seem to be illegitimate or something that should become illegal, but of course it should be

governed by rules and regulations that make it humane.

We see people like a Grunthal farmer who raises and sells, exports guinea pigs. These guinea pigs are certainly not indigenous to this country, but the industry in fact is thriving and is a profitable family farm. The family is making a living off of these animals. I understand that some of—I think it is hedgehogs and guinea pigs. Is it hedgehogs? Yes, hedgehogs are in another barn. During the last election campaign, I visited this farm.

The animals are kept in very good condition. The friendlier the atmosphere for the animals, the better the production, the larger the birth rate, and of course the entire industry does better. Chinchillas are in some of those barns. They are also a means to a livelihood. I guess they would come under exotic species and they would be banned or allowed, depending on the mood of the Minister.

That is a **fearful** thing because some of these people have **spent** many years building up this industry. They do not heed to be put into a state of confusion, uncertainty. They probably owe money to the bank. A lot of the farmers owe money to the bank, and they are going to put that security at risk. Who is going to want to borrow money out when a law can be invented overnight that threatens the value of the investment?

* (22:20)

I have numerous pieces of correspondence from people who raise parrots and canaries and people who raise elk on farms. I have gone to visit the elk farms and the bison farms. I think that there are four areas of law that come before The Wildlife Act and would actually make The Wildlife Amendment Act redundant. We have agricultural laws, we have hunting laws, we have The Animal Care Act, which was brought forward in 1996, we have The Livestock Industry Diversification Act, and now we are piling onto that The Wildlife Amendment Act which kind of sneaks a little bit into all of these laws, but we are not sure what the need is for adding this law when in fact people with much more intelligence than I have told me that there

are sufficient laws to cover all of the concerns of The Wildlife Amendment Act.

So I guess we are a little bit frustrated in that how do we as an opposition deal with this? We have had many appeals from farmers, from producers and from retailers in pet stores, and it is very frustrating because I do not think we are getting a listening ear. We do not find people who are willing to just sit down maybe and discuss this thing, a characteristic of this new government. I am sure this will improve, I am sure it will change, but it is the lack of consultation. The people who feel that they are affected by this bill feel that nobody has ever consulted with them, nobody has ever sat down with them and said, these are our concerns. There may be some legitimate concerns, but it is a blanket bill at the will of the Minister, and it just defies description when it comes to the fear that it creates in people.

I would have not been able to speak about this thing about two or three months ago, but it is the constituents who have made me wiser to their concerns. So I, as a representative, have to address the concerns that people have.

Ostensibly, Bill 5 is to ban the captive hunting of exotic wildlife in Manitoba, but in fact the Government of the day has already moved an amendment to this legislation, trying to provide some clarity about how they are planning to ban panned hunting. The amendment states that the purpose of the Act is to "provide for the regulation of captive hunting of animals without affecting the division of responsibilities within the Government of Manitoba relating to the regulation of animals and activities involving animals."

Now that is only stated as an amendment in the purpose, but the rest of the Bill has not been amended. It has been left just as it was before. So the statement is about as clear as Red River gumbo. It does nothing. Does regulating captive hunting mean that it is banned outright? We do not know that. That is what the NDP promised during the election, although I never heard that. But is there a difference between regulating panned hunting and banning it outright? I believe the Minister of Conservation (Mr. Lathlin) needs to provide Manitobans with some

clarity on this matter. It is a very threatening feeling when something is so vague.

It is currently illegal to hunt native wildlife held captive in confined spaces in Manitoba. We did not need this law for that. Bob Carmichael, head of Game and Fur Management for Manitoba Conservation, told the *Winnipeg Free Press* on March 13, 2000, that: "Everything we have been told is that Bill 5 starts and stops with penned hunting." If only we could be so sure of this.

Bill 5 is enabling legislation pure and simple. It gives the Minister of Conservation (Mr. Lathlin) considerable powers, many of which could threaten existing agricultural producers such as those involved in the production of exotic livestock and including bison, llamas, emus and ostriches.

Groups including the Manitoba Naturalists Society and the Winnipeg Humane Society opposed penned hunting on conservation and animal welfare grounds. Last spring, the former Progressive Conservative administration had made it clear that penned hunting was illegal. However, species that do not live in the wild in Manitoba are not protected under the old Wildlife Act, including the bison, so they could be theoretically hunted in a closed setting.

The people who have instigated the dislike for hunters have no experience or background in hunting. The people who have created these concerns are dealing with a city pet mentality. The Manitoba Wildlife Federation strongly opposes any attempt to introduce preserved or penned hunting for species native to Manitoba, and under the jurisdiction of the Manitoba Wildlife Act or the Livestock Diversification Act you cannot do that anyway.

Many traditional hunters are opposed to penned hunting. I have heard that in the House from members on this side of the House who say they are not interested in promoting penned hunting. We do not need a pen to hunt deer or elk or moose. They argue that it is unsportsmanlike and the animal has no chance for escape. The NDP MLA for Dauphin-Roblin (Mr. Struthers) told the *Western Producer* on October 14, 1999: This stupid practice of shooting

penned animals runs absolutely counter to the tradition and history of our province.

He probably had to say that in defence of Bill 5, but he could not bring up an example. Was not that careful.

Penned hunting is allowed in Saskatchewan, Québec and some American states. A recent story in the *Edmonton Journal* indicated that Alberta will not approve Saskatchewan-style hunting on game farms unless there is a sudden groundswell of public support. The Alberta Elk Association, with 400 members who own at least 20 000 elk, are lobbying for a change in legislation to allow paid hunting. On cervid hunting preserves, male elk are raised for their antlers that are sold to herbal medicine dealers. So Alberta game farmers want to be able to charge hunters to shoot old bulls before they die of old age. Now hunters pay good money for this and this is good revenue for Canadians. That animal is going to go anyway.

This is why I guess people are so frustrated with this bill. They just do not understand what it is trying to achieve or even why it was drafted. It has to be some group or some small group, some pressure group that needs a payoff or needs some consolation because of a previous election, since this was termed as an election promise. I did not read it among the five election promises though.

The *Edmonton Journal's* story also noted that at least 14 Saskatchewan game ranchers had paid hunts in 1999, with a total revenue of about \$5 million. Listen to this, \$5 million went to 14 Saskatchewan game ranchers in 1999. There were 246 elk hunts in Saskatchewan in 1999, for which hunters paid an average of \$15,000 to \$20,000 each. Now, Mr. Speaker, there is no way I would pay \$15,000 to go hunt for an elk, but there are people out there who are willing to do this. If it is done in a humane way where the animal has a chance to escape, it may not be wrong. I think this thing, because it is so undefined in Bill 5, we still do not know at all where we are at with some of these concerns.

There were also farm hunts for fallow deer, white-tailed deer, mule deer, bison and wild boar, with hunters paying from \$400 to \$20,000,

depending on the animal. Some of the hunts are actually done with tranquilizers. Then a miss is a miss.

In Manitoba, boar hunting is taking place in the Rossburn and Lac du Bonnet areas, among others. Bison are being hunted at one location, and farmers say it is a beneficial way to supplement their agricultural income and that the hunts are closely supervised. Sheldon Willey of Rossburn said hunting has allowed him to stay on the farm. He charges \$900 per day for a three-day hunt.

* (22:30)

I have had the experience a few times in Spain and in Mexico to observe bullfighting. I considered, in bullfighting, the bull always dies and that it was rather inhumane. In fact, my daughter was trying to take pictures of a bullfight one day, and I asked her: Why did you take so many pictures? And she said: I cannot stand to look at it. So bullfighting is not for everybody, and it is probably questionable for us. I went to a Mexican and I said, how come you allow bullfighting. Well, he said several things. He said: You let a steer live for two years. We let it live for five years before it goes to a bullfight. So we let it live two and a half times as long, and then we kill it in a few minutes and we do not waste any of the product. All the product is used. I still do not know if I like bullfighting, but when you think of humane killing, it is probably more humane to let the animal live for five years and kill it in ten minutes than let it live for two years and kill it quicker.

Proponents argue that penned hunting will provide substantial income to operators and spin off benefits in terms of tourism dollars and patronage of surrounding businesses and services. Governments want to tax everybody as much as they can, so they can give back this money and act like they are the givers of money instead of the takers of money. Well, if we want people to be able to provide tax dollars for us to spend, we have to understand business. Many of those agricultural enterprises that could be threatened or are concerned with Bill 5 are actually businesses that are paying taxes, and we need to take a hard look at farming. Naturally, if

people are raising hogs or cattle, it is for the purpose of slaughter. If that is not understood, then of course the Humane Society people might not understand why we raise animals. We do know that they euthanize a lot of animals themselves.

The amended legislation will also establish a new classification of animals, entitled "exotic wildlife." This will enable the regulation of all activities associated with harvesting of these species. Under the old legislation, individuals could import certain species of animals and allow for them to be hunted while in captivity. The legislation also expands the definition of wildlife to include dead wildlife, hybrid descendants of wildlife, eggs, sperm, embryos and the body parts of wildlife. When you get such a broad definition of wildlife, when the wildlife includes dead wildlife and the wildlife includes hybrid descendants. It includes the eggs, it includes the sperm, it includes the embryos and the body parts of wildlife.

Now we really do not know any more, what is the Minister getting at? What is the Bill getting at? It is so big and so broad and it is all up to the mood of the Minister. The legislation would give the Conservation Minister (Mr. Lathlin) the power to regulate the sale of wildlife or exotic animals raised or kept in captivity. At one point we think that wildlife is going to be banned, and then we find out that wildlife can be raised, but the sale of it has to be governed. And so some biologists and sportsmen believe that the danger of spreading disease between penned and wild animals will be reduced with the changes to The Wildlife Act.

The Conservation Department, which I highly respect, is supposed to hold a series of meetings with hunters and trappers. We believe that the Conservation Department, with their ability for research and their ability to govern hunting and so on, could handle so much of these things without creating a new and fearsome bill, a new and vague bill, a new bill that just puts power in the hands of the Minister.

Another group that is concerned is the Parrot Association of Canada. Denis Saydak, a local director who lives in Anola, wrote to all MLAs regarding the section of the amended Wildlife

Act that deals with exotic wildlife. Given the broadness of the definition, it implies that all exotic animals should be regulated regarding their possession, regarding their sale, regarding their importation into Manitoba. No distinction is made between exotic animals that are hunted and exotic animals that are kept as pets. That is part of the vagueness of this bill that confuses and frustrates and intimidates people. I do not think the Government really intended to do what it did when they introduced this bill.

The Minister of Conservation (Mr. Lathlin) has tried to argue that ordinary pet owners have nothing to fear from this legislation. He has stated in this House, and I quote, that: "the intention of Bill 5 is to prohibit the hunting and killing of native and exotic wildlife while they are captive. This proposed legislation does not impact or affect the ownership of domestic pets."

Why then, Mr. Speaker, do Manitobans not believe the Minister of Conservation? Why do they fear that owning exotic pets will be illegal? Why did individuals come to committee and make such impassioned pleas on behalf of elderly relatives who own exotic birds as pets, fearing that this government was going to be disallowing those friendly little canaries in those little cages that seem so happy and sing to them all day long? Why does the Government cause fear that these grandmothers and grandfathers with their canaries are going to become criminals? Clearly, the Minister has been unable to provide clarity on this matter, and has only generated needless fear among people who own and raise birds.

Mr. Speaker: Order, please. The Honourable Member's time has expired.

Mr. Glen Cummings (Ste. Rose): Mr. Speaker, I rise to put comments on the record on Bill 5.

The concerns that we have on this side of the House regarding Bill 5, I think are well known. But it seems that the message we were trying to give the Government is not being listened to. The first sign of that was that the Minister of Conservation (Mr. Lathlin) announced that there was going to be public consultation, that there would be discussions in the public milieu about what might define the

parameters of legislation to deal with what the Government is pleased to call penned hunting.

During the election, they put forward the misnomer penned hunting, constantly using the term "penned hunting." It seems to me that in this province for a long period of time, we had legislation that said the animals listed under The Wildlife Act were regulated in regard to confined hunting. That seemed to work very well for a number of years in this province. Then it became known to the Government of the day and to the current government that there was a possibility, in fact a reality, of some entrepreneurs out there who saw an opportunity to put animals in what is more appropriately called a "hunt preserve". In other words, a piece of land of significant size, significant cover, significant area, where in fact the hunt would be a true hunt whereby the opportunity for the purchaser of the hunt to actually have to participate in tracking, in laying out their plans to try and attract the game if that were necessary or to know the habitat and the normal actions of the game so that they could in fact have a successful hunt.

A lot of this came to light, I think, perhaps as a surprise to the members of government during the hearings on Bill 5. Bill 5, in itself, while the concept behind it, as I said, was always deemed only to be around the terminology "penned hunt" and that penned hunts were evil, penned hunts were going to be stopped, penned hunting in Manitoba was not going to occur.

* (22:40)

Now we find ourselves in a situation where there are a number of people in this province who made investments and who established operations that were in fact legal during the period of time that they were investing. On the other hand, we now have a bill that is close to reaching its path through this House that would, with the stroke of a pen, potentially put them out of business. That leads to the obvious question by those, for example, who would have a penned hunt according to the Government terminology or a hunt farm according to the terminology of those who promote this activity. We now have a situation where the Government is saying we could put you out of business tomorrow morning, once this bill is enacted, if we are so

inclined. At the same time, they are, I believe, quite within their rights to say it was legal what we undertook to do, and you, through the legislative process, are arbitrarily confiscating, without compensation, my livelihood, my investment.

We hear of lots of places around the world where that occurs, generally not nearly as kind and gentle a society as we have here in Manitoba. Generally those concerns are raised in a society that is inclined to be more totalitarian, inclined to be less willing to consult and talk to the public, inclined in fact to see centralized and authoritarian government as being the correct government, if you will, and government can do no wrong in the minds of those who would support that sort of government approach.

I am deeply concerned. I think it is more than the Member for Dauphin (Mr. Struthers) and some of the other members of the current government tried to characterize the definition of "penned hunting" versus "hunt preserves" versus any kind of confinement of exotic species.

I, for one, Mr. Speaker, not only as former Minister of Conservation but just as a citizen who is concerned about these sorts of things, have the raised questions about what happens when wild boars, particularly those wild boars that come from the Siberia strain, what might happen if they are accidentally or intentionally released in the wild in this province and what kind of complications can arise.

I thought, with a great deal of foresight, the Ministry of Agriculture, a few years ago, under the tenure of my colleagues, introduced an act to govern the handling and management of exotic species and the farm diversification aspect of becoming involved with husbandry around those species. They are non-domestic species, if they are ostrich; it does not matter if they are wild boar. There are a number of areas where, because of our vast land base that we have in this part of the country, because of the enormous interest that there is in not only in this province but in adjacent provinces and in the United States to the south of us, there is a tremendous opportunity for those who want to become involved in this type of activity.

The debate, I think, probably goes just as deep as whether or not people are in support of hunting. Let us face it. When the overpopulation of the white goose in northern Manitoba became apparent, that there was significant damage being done to their habitat by their own rapid multiplication, it may well have been due to the fact that that multiplication was a result of the very rich and valuable food that they were able to graze during the winter months on corn fields to the South. It may well refer to the fact that when they were returning to the North, there was good food and grazing all the way along the flight path so that when those white geese arrived in the North they were in fact in better condition than normal and their reproductive capacity was growing enormously.

It might also be related to the fact that the hunting pressure had gone down. It could be related to a number of factors, but the end result was that there was a philosophical disagreement by people such as Ducks Unlimited, by people such as the Wildlife Federation, the North American waterfowl agreement was called into question. There was a reaction from a significant portion of the population in this country that said horrors, you cannot be seen to be devastating or harvesting excessively or destroying or reducing this population other than for their natural predators and a small amount that are normally taken during hunting.

I use that as an example, simply to point out that I believe there is a misunderstanding and an apprehension on the part of a significant portion of the population about what in fact happens when hunting occurs, what in fact happens in relationship to the economy of some of our more remote or less densely populated areas. That same segment of the population, in many cases, will react negatively to anything that is related to hunting or harvesting of game. Some of that has spilled over into this debate.

Unfortunately, what the Government has now found itself in the throes of is being faced with the responsibility of putting certain individuals out of business. I think that there are enough of us in this House that recall the debate and the events around the possible legalization of elk ranching and then making it illegal, and occurred under the leadership of the Howard

Pawley administration, and then again becoming legal under our administration, under the Filmon administration when we formed government.

But there was a period of time in between when the Government had in fact exposed the taxpayers of this province to a significant liability. There was a liability to the farmers who had invested in the wild elk, and there were certain questions that were raised about how they had acquired the elk. There were questions raised about where they marketed them, there were questions raised about the difference between the Manitoba jurisdiction not having legalized elk ranching and Saskatchewan having legalized elk ranching. That debate boiled over in the Swan River Valley and in other parts of this province, but it was focussed in the main in the Swan River Valley because that is where the activity had begun. And the aftermath of the starting, the stopping and the unfairness of the laws of the day as they were enacted and impinged upon those who had made investments, I think raised enough flags in relationship to what we are talking about in terms of Bill 5 that the Government has probably bought itself a lot of grief that it need not have acquired, that it should have reconsidered.

If the Minister of Conservation (Mr. Lathlin), if this government had been willing to continue with the public meetings to consult on Bill 5, even if that would have required some time, it would have given the opportunity for those who are vehemently opposed and those who have perhaps philosophical agreements, those who have made investments and who see opportunity in this area. We could have had perhaps a more rational and reasoned discussion in this province about the future of where this aspect of harvest of game, exotic game in many cases, is going to go.

During the presentations at Bill 5 committee, we heard one young rancher indicate that he had turned out a number of wild boars into his hunt preserve, and he was refuting the argument of those who say this is like shooting pigs in a poke, this is like sticking the rifle through the mesh in the fence and the animal is about three feet away from you, and it is not a hunt. This young man suggested that he had turned out 10 wild boars three years ago on his

property, and 3 of those original wild boars still have not been harvested. It seems to me that was a very good demonstration of how this type of activity does in fact have a genuine hunt and pursuit aspect to it for those who enjoy that aspect of outdoor life. It does demonstrate that there is opportunity for humane and growth opportunities for the wildlife that are involved. It need not be characterized as the shooting fish in a barrel syndrome as many people put forward.

What I was disappointed with and what bothered me enormously when I had an opportunity to look at this issue about three years ago was that there were people who chose, in complete flaunting of the law, if you will, flaunting of the law, to begin to establish elk hunting preserves, and those elk hunting preserves were, in fact, illegal under the existing law. We have a reverse situation now on our hands if this bill passes and goes into law though, and that is that those who would administer this act in the next week, the next year, the next decade have been given vast discretionary powers.

On the one hand, there is a liability being developed where those who develop the business believing that it was legal and knowing that it was legal at the time that they made their investment, those who were attempting to flaunt the law, and those who would now like to invest or take the opportunity to invest. If certain clauses of this legislation are not enacted then we have the worst of all worlds. We have the uncertainty. We will not have the investment that we should have on the one time.

* (22:50)

On the other hand, we will have those who have invested who will be constantly looking over their shoulder to say well, is there going to be a conservation officer or, so help me, a police officer coming to tell me that the government has now enacted certain aspects of this legislation and I am in fact illegal. If they do, I better get a lawyer because I believe there is a liability against the Province of Manitoba, that they have changed the rules of the game within the period when I was making my investment, and those individuals will be sorely abused unless this government contemplates what it

might take to buy out their investment if they are suddenly going to make them illegal.

I think that if the government had thought through the type and nature of this legislation they would not have proceeded in the way that they did, because in terms of the way this legislation is written they could have accomplished the vast majority of the concerns under The Animal Care Act. They could have accomplished the vast majority of their concerns right there. They need not have tinkered with and raised the question of whether or not certain animals are regulated under agriculture and others regulated under The Wildlife Act. It appears to take back under The Wildlife Act a considerable amount of responsibility for those animals that were being farmed, to be clear about it.

It creates a third problem where the exotic animals that are not under The Wildlife Act are now controlled under this act, but because we do not know which sections are going to be proclaimed because we do not know which animals may be designated as being regulated under this act, there is wide open opportunity for variation in this act. What we are going to see is a situation where the investment will not come in. Those who are invested will be under duress, and we have a situation where something such as bison ranching which is, I thought, gradually moved into mainstream agriculture, to tell you the truth, is going to be impinged on, and I do not for one minute doubt the members across the way when they stand up and say: But look, all we are trying to do is deal with penned hunting. I believe them when they say that. But this act does not say that, and their actions do not say that, and the results do not say that, because the investment community out there in this part of agricultural enterprise, or call it hunting enterprise if you will, it will not happen.

Believe me, when I listened to the presentations at the Committee, there was one young woman there, a young mother. I want to put on the record again how I interpreted her concerns. She was virtually so upset that she was on the verge of tears, not tears asking for sympathy but tears of anger and outrage at the unfairness of what she saw was happening to her lifetime investment. She said: I saw as an opportunity

where I could work with my son to develop an income using a wild boar hunt farm situation. She gave the impression, and I have no reason to question her credibility on this, she said: My lifetime expenditures, my lifetime earnings are invested in this. If you take away that opportunity from me, there will be a liability. I have no other choice.

Does the Government of the day really want to put themselves in that choice, or are they too urban oriented to realize that there are a huge number of voters and there is a hugely different lifestyle once you get outside of the Perimeter and the Red River Valley of this province, that people do approach this way of making a living differently. We do have the awkward situation of where the province of Saskatchewan sees this activity as perfectly legal. In fact, it is legal to have a hunt farm where elk are hunted, which is where this controversy really began in the first place, if I understand the events as they unfolded during the debate in the Legislature.

So I say to you, Mr. Speaker, the Government has given itself a pot full of trouble that it need not have caused. We saw about 20 presenters who came to committee, all of whom spoke passionately about their situation, all of whom were terribly concerned about their future opportunity in this area. They, with the exception of about a couple of presenters, all came expressing concerns, and in many cases expressing outrage about what they thought the potential damage from this bill might be, damage to their industry, damage to them personally, and I would suggest damage to those who want to have more opportunity in the province.

Anyway, Mr. Speaker, it seems to me that as we debate this bill and debate the concerns that are associated with it, one area that nobody on the Government side—in fact, the Minister I think was insulted and offended that we raised it—and, frankly, no one on this side is terribly anxious to get into the debate, but I believe that it needs to be put on the record that there are a significant number of Aboriginal people out there who see this as a potential opportunity for them as well. Let us face it, some of our aboriginal communities have been located on land that is not good agricultural land, in some cases, that is not

great land for other opportunities, and many of them have already said that this is an area where they see opportunity.

I had the distinct pleasure and honour of negotiating with the Western Tribal Council on trying to develop an opportunity for them to get into elk ranching. I saw this type of activity as another extension in that area that they might want to take advantage of. There was some conflict about whether or not they felt they should be required to accept the regulation of a provincial government. They felt, as a self-governing body, a self-governing nation, that they should be able to enact that type of ranching situation without regulations, but they did work with the Department of Conservation, then the Department of Natural Resources and developed a template whereby the wild capture that they were able to be involved, that they took a significant number of animals, and I believe there are upwards of 10 Native-owned, community-owned, in some cases, elk ranches in that segment of our society, and I am very proud of having seen that happen.

I am very concerned that again the Government has found itself, with this act, in a somewhat delicate situation of having to deal with what could become a rather aggressive situation with hunt preserves, because again the natural habitat is there, the natural locations. The natural knowledge that many of the people in the communities have can be exploited to the benefit of the communities. If they have a problem with this bill, if they believe that they are not going to be able to invest and involve themselves in some kind of a hunt farm possibility—and they have named a couple of species, some of which would currently be illegal for them to be involved in, but again this bill hangs out there without any clarity. Even the amendment that was introduced, as the Member for Steinbach said, does not, to my satisfaction or, as far as I could tell, to the satisfaction of anybody else, put this bill in an appropriate perspective, if you will, from that segment of our society, because there is no clarity, there is no direction. It is simply an enabling piece of legislation.

* (23:00)

Mr. Speaker, again I offer to the Government that departments and very competent officials within departments very often see

problems that they have been dealing with for years, that there has never been appropriate legislation to work with, and sometimes, when a new administration comes in, they are prepared to bring forward, for recommendation, clauses in legislation that provide the department the opportunity to do additional things that they have not, by legislation, been supported in, and they may well be very worthy objectives, but in the end, I believe the Minister of Conservation (Mr. Lathlin) and his cabinet colleagues were sold a bill of goods in terms of this type of a bill.

If they wanted to have a silver bullet to stop penned hunting, as they called it, then they should have done it that way, and I repeat until I am blue in the face that there are liabilities associated with actions that can be taken under this bill that will come back to haunt the Government of the day. They will have to be extremely cautious in how they administer it. If they do not amend this bill now or at some time in the future, they are going to leave a potential bombshell in the hands of future ministers. That bombshell is, as I had described earlier, one that leaves uncertainty and liability, depending on how they wish to enforce this legislation.

I believe if there had been public hearings and if there had been public discussion, there might well have been arguments brought forward and examples brought forward of other ways of dealing with this type of regulation. We certainly know the philosophical arguments and the battles that went on over elk ranching itself, not a lot different than some of the things that occurred around bison ranching except that bison were, in fact, pretty near extinct at the time. If I understand my history correctly, the fact that there has been some domestication and some protection, if you will, maybe if you work with them, you would not necessarily call them entirely domestic, but there has been a commercial aspect to it that has added to the population, has added to the gene pool. In fact, the plains bison once again rumble over the plains, albeit they are impeded from time to time from that section of 7- or 8-foot-high fencing. But they are returning in large numbers because of the activity that is occurring, and it has not been bad for the gene pool.

I want to close my remarks on this bill, Mr. Speaker. It strikes me as being a mistake. I have

had significant debate and bear a few scars, as a matter of fact, from the discussion about what is a penned hunt, whether hunting in any kind of captivity should occur. But nevertheless, I am going to put it on the record that this does not solve the problem. This creates more problems. I hope the Government will consider carefully where they are going. If they choose not to enact this bill immediately, and if they choose to become involved in some kind of public process, the Minister said: Well, once we have the Bill in place, I believe I recall him saying or someone on his behalf saying, we can have public input on what the regulations might look like. That is an opportunity. It is not the way I would have done it. It is not the way I think government should have done it, but it is a possibility that will create an atmosphere to do away with some of the systemic problems that we see around this bill.

I see at least one member nodding. Perhaps I should not be throwing out any good ideas, but I suspect they have thought of that already. It seems to me that we, as legislators, not just the Government, we as legislators, have to do something to provide some clarity, to provide some answers in respect to those who would invest in this area. And, as you heard my colleague from Steinbach say, and you have heard from other members on this side of the House and presenters during the Committee hearings, this has million-dollar potential, multimillion-dollar potential. Before we throw that away, let us make sure that we do understand clearly the feelings of the public, and I am talking about the public that live outside of the main populated area of this province as well. Thank you, Mr. Speaker.

Mr. Larry Maguire (Arthur-Virden): Mr. Speaker, I, too, would like to make a few comments in regard to Bill 5, The Wildlife Amendment Act, dealing mainly with the issue of penned hunting, of course. I know my colleagues in government today are indicating that that is exactly what this bill is aimed at. But, of course, as my colleague from Ste. Rose has just indicated, the Bill does not say that. That is a concern of mine at a time when agriculture is diversifying as much as it is in the province of Manitoba, and because of the concern in Manitoba, Manitoba being the location which

has been most devastated by changes in federal agricultural policies, and therefore the region that needs to diversify the most so that we can essentially transform the whole agricultural community into what historically we might have had if our industries had been allowed to develop themselves unencumbered from processes that took place in the late '60s and early '70s as opposed to the kinds of bureaucratic processes that came in through federal law in the '70s and '80s and certainly here in the mid '90s. These have harmed Manitoba's ability to get clear direction for the farm community to adapt. Farmers are the most adaptable people I know in most cases.

We have just finished debating the labour bill, Bill 44, in which case I heard many presenters say that labour has to change its course a number of times throughout the years of being in the workforce, and I would submit, Mr. Speaker, that entrepreneurs are absolutely no different today if they do not diversify and if they do not change from one period of time to another. Sometimes it is not even a decade long that they have to adapt to and so it is extremely fitting that with the opportunities that are available here in Manitoba, we do not encumber the ability of these people, these farmers in the agriculture community, entrepreneurs who want to make Manitoba the place to be in agriculture in the prairies. We must not do anything to slow down their abilities in regard to establishing the kinds of support industries that we could have that will continue to require added members of the workforce and, therefore, more of our young people would be able to find viable employment here in the province of Manitoba. That is what it is all about.

We are here as government to make sure that we establish the rules and regulations that allow industries to develop and entrepreneurs to want to invest their funds in this province in conjunction with the employees and employment that will be created for a co-operative effort in developing this province. But, Mr. Speaker, the Member for Steinbach (Mr. Jim Penner), in his comments to you this evening, indicated that there was some concern with the Minister of Conservation's (Mr. Lathlin) move in regard to this wildlife bill, and I would confer with him. You know, one of the quoted intentions of Bill 5

is to prohibit the hunting and killing of native and exotic wildlife while they are captive. This proposed legislation does not impact or affect the ownership of domestic pets.

*(23:10)

We really clearly have to take a look at the definition of exotic, as the Member for Steinbach said, but while we are doing that, along with some of the other legislation that this government is obviously bringing forward, we are taking away the certainty from an industry at a time when it needs certainty and capital to make the changes in developing this province to the potential that it could be. We will have an industry, Mr. Speaker, it is just that it may not achieve the full potential that it could have and we are definitely concerned. I have spent a lifetime in this industry, as many of my colleagues have, and we are very, very concerned that we will not end up with the kind of full potential of developing processing industries that we may need in this province.

Why then, Mr. Speaker, do Manitobans not believe the Minister of Conservation when he says that he is going to just deal with penned hunting in this issue? Why do they fear that owning exotic pets will be illegal? Why did individuals come to committee and make such impassioned pleas on behalf of elderly relatives who own exotic pets and birds fearing that this government is going to turn them into criminals? Clearly, the Minister has been unable to provide clarity on that issue and has only generated needless fear among people who own and raise birds and reptiles and companion animals.

Bill 5 will move bison and elk farming back into the Natural Resource's portfolio and away from Agriculture, and I would put it out that this is incredible. I cannot imagine why the Minister of Agriculture (Ms. Wowchuk) would allow this to happen in her portfolio. Is she happy that she is going to lose elk and bison farming from her department, turn it over to the Minister of Conservation to deal with? I would not be if I was the Minister in charge of this particular area. I believe that this move will be detrimental to producers who are raising these animals for agricultural purposes. Regulations concerning wildlife in captivity do not allow for normal

agricultural economy, economic activity, and I have just outlined the certainty that we need in this industry to carry on in the future.

Bison producers are concerned about the ramifications of Bill 5. Many of them have made presentations here and we have talked about it, as to where we need to go in this industry. They fear it will be a giant step backwards for their industry, an industry that has over 10 000 bison in it today, Mr. Speaker, and over 180 producers. I am concerned that this will inhibit, not just the growth of the primary industry, but also the location of future processing plants that we might be able to attract to a region in Manitoba to help with the slaughter and processing of these animals in a foreign market that we cannot raise enough bison to fill at this particular time. When the promotion of this organization is extremely enhancing the quality of the product that is being raised and Manitoba has extreme opportunities to be able to do it with the climate and the conditions that we have, the open Prairie and plains that we have, nothing could be seen more fitting for this kind of development of this industry.

The processing that I am talking about is similar to the New Rockford plant in North Dakota today. One of the questions that was raised by this legislation is: Would The Wildlife Act prevent bison producers from shipping their product to the United States for processing? Well, no one can really tell us the answer to that question, Mr. Speaker, but can we take the chance of not having the opportunity to do that? It may negate the opportunity to have one of these plants located here in Manitoba.

The elk industry is as concerned as the bison industry with this legislation. I am not going to go into great detail. Suffice it to say they would feel that Bill 5 should be amended so that animals otherwise subject to the provisions and applications of The Wildlife Act are excluded from these provisions and application, if those animals are held and maintained in captivity under authority of a licence issued by the Minister of Agriculture. They are very concerned that this whole process stay under the Ministry of Agriculture and cannot believe and find it as incredible as I do that it will now fall under Conservation.

We certainly heard from many people at committee stage on Bill 5 who were not involved in the penned hunting of how badly this legislation would affect their ability to remain in the business of raising elk, bison, fallow deer and others, wild boar and some other kinds of species.

I want to only say that in the area that I come from in Arthur-Virden we have a proliferation of fallow deer and deer throughout the region. It is well known that many city folk, city hunters and hunters from all over Manitoba and other jurisdictions in Canada and in the United States come to southwest Manitoba and western Manitoba to hunt deer on a regular basis. Perhaps with the numbers that are there and the damage that they are actually doing to some of the forage industries that we have, we could see an increase in licences for this particular form of hunting. We could actually be utilizing that to attract more product, gross domestic product, to the province of Manitoba and enhancing the net income of many of these farms, because of the opportunity for them to deal with the raising of these animals in a domesticated process, if you will.

This, I guess, goes to the definition of what a penned hunt really is. Of course, I would not be in favour of hunting in a confined area, if you will, that was the size of the Chamber that we are in, to that affect, but definitions by the industries involved have certainly made it clear that their definitions of cervid hunting farms are not in a small confined penned area as we know of, a barn or corral, as has been typically referred to but more or less great open areas of Prairie that have perhaps a fence around them.

As many of my colleagues have indicated, we have a great deal of the Manitoba landscape already fenced in this province. So it is a matter of describing what kind of terminology we are looking at and whether we are going to drive a viable industry, another viable industry, and that is what many of us have been concerned about in many of the bills that have been going through, whether we are going to drive another viable industry out of the province of Manitoba and shackle the hands of our farmers by not allowing them to reap the benefits of being able to raise these particular livestock units in their own

operations and take care of some of the older species, particularly in the elk industry, that may find a very inhumane ending in any other form.

I heard a talk show one day, Mr. Speaker, that indicated the only humane way to destroy an old bull elk that was going to die probably on his own anyway would be to put him through a chute, load him in a truck and take him to an abattoir.

Well, that might work with a steer or a bull in the cattle industry or the pork industry that we are in today, but I would present to you that I do not think that is very humane way to handle an elk. The most humane way to handle this kind of a species is out in the open plains in its own natural surroundings so that we can actually utilize the material that is left from this animal once it is harvested, once it has come to its end in a natural state in whichever form of hunting the hunters so choose to use. I am thinking mainly of rifle or bow and arrow, and those are the more common ones that hunters from throughout North America will pay good dollars to come and invest in Manitoba and invest in their industry and invest in their period of time mainly, whether they look at it as a lifelong passion that they have had or whether they are looking for a specific species of a certain definition that they wish to hunt. This is probably a much more humane way to allow for the ending of an animal's life than to try and load it in a truck and haul it to some abattoir where, when you are done with it, the meat from this particular animal would be not fit for human consumption in any way, shape or form, whether it was in a food bank or not, some kinds of those situations.

It is incredible to me that the players, I guess, if you will, that have got the ear of this government in regard to asking them to put this kind of legislation forward are not those who are familiar with the farming industry. They are not the ones who are familiar with even the gaming industry, what we refer to as gaming in this House is a little different, but the hunting of wild animals is what I am referring to, Mr. Speaker. These people are well intentioned, I think, in their own right, that they feel strongly they are helping actually these species, when in fact they have no experience in the humane way of

handling these particular species, to a large extent, themselves.

* (23:20)

Unless, of course, the Government's agenda is to have no farmers and farming in the rural areas and more and more people entering the cities, I submit that we could end up with everyone in the cities, and then we could all go to the cornerstore or the supermarket and get our milk and meat, and there may not be a need to have these particular sectors out there in the rural area, but that of course is going to the extreme. I certainly hope that it will not happen, and I am encouraged that it will not. We are here on this side of the House to make sure that it does not and that we continue to promote the agricultural industry in Manitoba to every extent possible so that people become more educated on the kinds of diversification that is required in this industry and that bills like Bill 5 will not come forward in the future to further inhibit the investment decisions of the people in Manitoba who need to be here to make those decisions so that we can have a viable and clear industry for the future.

Mr. Speaker, it has been alluded to that we do have The Livestock Diversification Act, The Animal Care Act and a number of these acts. But I am going to leave it at that. I believe we have more colleagues who wish to speak to this issue, and I am going to thank you for the time to speak to Bill 5 in regard to this particular sector of the legislation that this government is trying to push upon the various sectors.

One last thing that I must say is that as a person who has watched this government do away with the Manitoba Environmental Council under Bill 43, it is absolutely incredible to me that they would also actually say that they are listening to the citizens of Manitoba, and Bill 5 is a prime example. They actually went out to the country and started to have public meetings on this process and then cancelled the rest of them after they had the first couple. It is very damaging to their credibility in regard to how they are going to be perceived with future bills and any future legislation that comes through the House.

So I think with that I will turn it over to the rest of my colleagues to make any other comments that they wish to make on Bill 5.

Mr. David Faurschou (Portage la Prairie): It is a pleasure for me to rise and debate Bill 5 in regard to third reading. This bill has been before us for quite some time, introduced in the fall sitting of this Legislative Assembly. I am very pleased with my colleagues and some of their remarks here this evening, and I almost do not know where to start. This particular bill no one understands. Not the Minister, no one in the Executive Council, no one on this side of the House understands this bill. They say it is to address the issue that we are all concerned with, and that is penned hunting, but nowhere in this legislation is a mention of penned hunting. So I will take the liberty of opening the *Webster's Dictionary* and entering in the definition of pen hunting: hunting of an animal in a small enclosure; animals in a pen; a small place of confinement. Now that is a definition of pen and pen hunting, but nowhere in this particular bill is a reference to penned hunting.

I only have a short tenure in this Legislative Assembly, but at no time have I served on a committee where the proponent, the Minister, has had to sit an entire evening and not hear one word of support. Not one word. The Minister of Conservation (Mr. Lathlin) sat till 11:24 and did not have one word of support on his legislation. The Wildlife Federation is said to, in fact, be in support of this particular bill. Well, I would like to refer to the submission by the member, Mr. Lintott, in regard to this submission that came forward. *[interjection]*

Being that the Honourable Member for Selkirk (Mr. Dewar) has asked a question, if I might just take the liberty of one moment to find the quotation from the presentation of the Manitoba Wildlife Federation was presented by Mr. Lintott, one of nineteen presenters that evening: Our membership consists of anglers and hunters who strive for the wise use of natural resources, and most importantly, the continuation of a rich hunting and fishing heritage.

We understand that Bill 5 is large and complex. Our purpose here tonight is to give the views of our members in regards to the practice

of penned hunting which we hope this legislation will effectively deal with. However, this legislation does not talk about penned hunting. So, further into the evening, Mr. Lintott stated that he represented 14 000 members of the Wildlife Federation; however, later in the evening it was reviewed by others in the room that particular statement. It was at a meeting where 83 persons were in attendance. Some persons declined to vote. So, less than 40 persons of those 14 000 members had input on the presentation, which the Manitoba Wildlife Federation put onto the record. So I really felt for the Minister that evening, sitting for almost six hours with not even one person stating support. I must include members of the New Democratic Party who effectively sat the same length of time as I did that evening.

I would like to quote the Honourable Member for Dauphin (Mr. Struthers), who stated that we should reflect on some, I think, very good advice that we did get tonight from the people who presented to the Committee. We went on further to say the Minister and others should take an opportunity and have a chance to sleep on the advice that we have been given.

The Member for Rossmere (Mr. Schellenberg) spoke, thereafter. He stated: "The intent of this bill was not to take away anyone's livelihood or wipe out the elk ranching or wipe out the bison ranching or wipe out exotic birds or animals or someone's pet." A fascinating remark because, in fact, there were numerous occasions on that evening that persons went into their presentation with legal counsel advice. Legal counsel, on numerous occasions, stated that that was the case. This legislation was focussed on all of those mentioned by the Member for Rossmere.

So I ask the question: Why do we have this legislation before us?

Some Honourable Members: Why?

* (23:30)

Mr. Faurschou: I will attempt to answer the member's cries for why. *[interjection]* Mr. Speaker, my apologies for my pause. However, I believe quotations should be mentioned here this

evening in the quest to answer the question: Why?

There was a gentleman, a Mr. Browne, that travelled from eastern Canada to be in attendance, who has in fact extensive legal knowledge of legislation as it pertains to animals in our nation. We have the Criminal Code. We have The Animal Care Act. We have The Wildlife Act. We have numerous municipal by-laws. After all of this research, after all of this legal counselling that he received, he travelled thousands of miles to be in the Committee room to ask the question of the Minister of Conservation (Mr. Lathlin): What do we need this act for?

So I am afraid, honourable colleagues, your quest to have the question answered as to why we have Bill 5 before us this evening is going to remain unanswered. There was not one person in the room, including legal counsel for the Government, because I asked that evening if the legal counsel for government could provide me with a definition as it pertained to the captive hunting which is referred to in Bill 5.

Now the definition of "captive" is very, very elusive, and one finds it almost humorous because, if we were to really look at the definition, you and I, as members of the Legislative Assembly, are essentially all captive. We have not the ability to fly, so therefore we are captive to this Earth. So without definition, I find it rather difficult that we as legislators are being asked to pass Bill 5. There is no definition.

Being that I would like to be a co-operative individual, as I have been known in the past, I would very much like to agree with the honourable colleague for Rossmere and the honourable colleague for Dauphin-Roblin and ask that this government delay passage of this bill to have that opportunity to consult, reflect and redraft, if one might, this particular bill, because I believe that the intent was to focus on that which all of us believe is not in keeping with the definition of "hunting". I believe more so one could liken it to the term as slaughter, when we have animals, wildlife, confined in a very small area where in fact one has that ability to take the life of the wild animal without the sport of hunting.

Mr. Speaker, the presenters that evening, and since then numerous correspondence from constituents and persons engaged in preserve farming and farming involving what is known as exotic animals, are gravely, gravely concerned about the passage of Bill 5. I appreciate the First Minister (Mr. Doer) being here at this late hour for this debate. I hope that he is considerate of some of the dialogue here this evening, as it pertains to Bill 5.

It is a grave concern to not only myself that we are being asked to vote upon a piece of legislation that is so ambiguous and has no support, no support whatsoever. If in fact the Government and the Minister of Conservation (Mr. Lathlin), who himself was concerned—I might just emphasize, as my colleague for Arthur-Virden stated, the Minister of Conservation cancelled the public consultation as it pertains to Bill 5 for a reason. This House, we had opportunity to ask the Minister as to why he cancelled the public consultation on Bill 5. He responded that he would have adequate opportunity to hear from the public at the Committee stage. At the Committee stage, he heard from the public. He heard that he had no support, no support throughout the entire province for Bill 5. I know that the Minister has support for restricting penned hunting, but Bill 5 does not address penned hunting.

I know that there are other members who would like to participate in this evening's debate. I do not want to leave without the mention of a young lad of 33 years who made a presentation that evening who was full of emotion and spoke with passion in regard to his preserve hunting facility. Mr. Willey was before the Farm Debt Review Board in 1997. The Farm Debt Review Board, in regard to his grain farming, made it imperative through review of his financial situation that he diversify. "I had to sell my truck," he stated, and you could see his concern in his expression after he made that statement. I do not believe that if any member was there that evening one would be making light of it here this evening.

These individuals spoke of their livelihood, their entire self-worth invested in their operations. If one is concerned about preserve hunting, Mr. Willey stated: "We had 14 hunts

this spring for wild boar, 10 were successful, 4 were not. One guy was from Colorado, hunts Rocky Mountain elk all the time, said this was way harder. He went home after a week without a boar. Unethical, not for the real hunter?" Who are these people to say, when there are individuals who are seasoned hunters who have had this experience?

* (23:40)

One more curious comment that was made by Mr. Willey that again may bring in a sense of understanding of the Manitoba Wildlife Federation: The Brandon chapter of the Manitoba Wildlife Federation "bought a hunt from me—they had no problem with it," he stated, "for a prize" that they were in fact I understand it to be raffling off. So when the Manitoba Wildlife Federation is in fact in support by the purchase of a hunt at a wild boar preserve, I think that takes care of any doubt or lingering mistrust of my statement that the Manitoba Wildlife Federation was not in support of the current legislation because they stated that it was too complex for them to comment upon and limited their commentary strictly to the definition of penned hunting, which I provided here this evening with the consultation of the Webster's dictionary, because there is no definition in the legislation that the Government of Manitoba is asking members of the Manitoba Legislative Assembly to pass here this evening in third reading.

Some Honourable Members: Question.

Mr. Speaker: Is the House ready for the question? The question before the House is third reading of Bill 5, The Wildlife Amendment Act. Is it the pleasure of the House to adopt the Motion?

Some Honourable Members: No.

Some Honourable Members: Yes.

Voice Vote

Mr. Speaker: All those in favour, please say yea.

Some Honourable Members: Yea.

Mr. Speaker: All those opposed, say nay.

Some Honourable Members: Nay.

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

An Honourable Member: On division.

Mr. Speaker: On division.

* * *

Mr. Mackintosh: Would you please call third readings, Bills 20 and 33?

Bill 20—The Farm Machinery and Equipment Amendment Act

Hon. Gord Mackintosh (Government House Leader): I move, seconded by the Minister of Agriculture and Food (Ms. Wowchuk), that Bill 20, The Farm Machinery and Equipment Amendment Act (Loi modifiant la Loi sur les machines et le matériel agricoles), be now read a third time and passed.

Motion presented.

Mr. Jack Penner (Emerson): Mr. Speaker, just to take a few minutes to put a few words on the record, The Farm Machinery Amendment Act is, of course, a bill that has caused a great deal of concern and consternation out in the rural parts of Manitoba and indeed amongst virtually every dealership and small manufacturer in much of the province.

I want to remind the Minister and the Premier (Mr. Doer) of the letters that they have received from what I consider a major manufacturer of farm equipment in the province of Manitoba, MacDon Industries. We all know the record of the MacDon family. The MacDonald family started as a small, little manufacturing plant in this province, started building swathers and still continue today to build probably the best swathers in the business. Indeed the MacDon family has been exemplary in providing employment opportunities for Manitobans in this city as well as indeed exporting much of their product across to virtually all countries in the world that are in agriculture production. They are the kind of people that I think this government and all

governments should pay a great deal of attention to.

When the MacDonalds speak, I would, if I was a minister, pay a great deal of attention to what that family says about small manufacturers and how to deal with legislation that affects the small manufacturing industry.

Agriculture has been and will be, in my view, a major player in the economics of this province. When agriculture slows down and when agriculture cools off, most of the province gets a cold. When agriculture sneezes, some players in this province in fact catch pneumonia. I believe that, when the people at MacDon's and virtually every manufacturer in this province and indeed western Canada have warned this minister and have warned this Premier, either by presentations, through their organizations, through their associations, to the small manufacturers association, to the farm machinery association,—indeed many of the larger manufacturers have said to this government: Be careful how you draft legislation that affects the sale, distribution and manufacture of our equipment. That is really what is at stake here, how the dealers apply a rule of law and how manufacturers, mainline manufacturers apply their will upon those dealers.

Here we are trying to, with one brush, paint the whole industry in the same colour, and they are not the same. Small manufacturers spend a great deal of time trying to put their products onto the lots of mainline dealership. Of course, the mainliners have objected and are objecting. This minister simply fails to recognize the difference between a mainline manufacturer and a small manufacturer. We believe that the economy of Manitoba in large part hinges around the agricultural industry, the small manufacturing and the small business community, and if they form partnerships, work together, we all benefit. Our economy grows, our export business grows and indeed, we all prosper. The Government has more money to spend on health care, more money to spend on education, on social services, and all the rest of the industries, as was demonstrated very clearly about what the Minister of Finance (Mr. Selinger) said a few days ago.

Even after the provincial government predicted doom and gloom when they first took office, telling everybody that the previous government had overspent by \$400 million, that they would have a deficit of \$400 million, the day before yesterday the Minister of Finance rose in this House and finally admitted the final result for the Budget was \$9.9 million surplus. Well, surprise, surprise. We could have told the Premier (Mr. Doer) and his whole cabinet two weeks before they were elected that that would roughly be the number because we had made those predictions. We said this to everybody, and we laughed when the previous government hired an outside consultant to bring these kinds of thing. The reason they have a surplus is because of manufacturers and exports of their commodities, such as MacDon, such as Altona Welding, such as many of the smaller manufacturers, including box manufacturers, truck box manufacturers, and installers and those kinds of things. That is what makes this economy tick, that is what creates jobs, that is what keeps people off the streets, and that is what these people are saying, these small manufacturers are saying: Please do not.

Mr. MacDonald wrote a letter to the Premier saying please ask your minister to pull the bill. The Premier has yet to respond to the letter that Scott MacDonald wrote. I think this is clearly demonstrating the crass control politics that this government is playing. This government is clearly intent on taking control of every little aspect of the business community, of industry, be it livestock, be it manufacturing, or whatever else, and I say to you, we are very quickly approaching a downturn in the economy simply because of the uncertainties that this government is creating, the uncertainties of applying legislation, time and time again, that will take away the control that people have been used to, and government taking control.

I think that does not speak well for the longevity of the increase in the economy that we have seen. So, Mr. Speaker, we ask, as an opposition, we beg, as an opposition, that this minister will see the light, will come to her senses and pull the farm machinery act, and if she needs to, consult with the industry on what needs to go in or what needs to come out of an

act, please do that, Madam Minister. Obviously, the Minister does not understand what kind of an impact she will have in passing this kind of legislation, what kind of negative impact she will have. Once businesses start moving out of this province, then and only then will this minister and her Premier come to their senses. So thank you very much, Mr. Speaker, for allowing me a few minutes to put those words on the record.

* (23:50)

Mr. Speaker: Is the House ready for the question? Bill 20, The Farm Machinery Equipment Amendment Act be now read a third time and passed. Is it the pleasure of the House to adopt the motion?

Voice Vote

Mr. Speaker: All those in favour, please say yea.

Some Honourable Members: Yea.

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

Some Honourable Members: Nay.

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

An Honourable Member: On division.

Mr. Speaker: On division.

Bill 33—The Highway Traffic Amendment and Consequential Amendments Act

Hon. Tim Sale (Acting Government House Leader): Mr. Speaker, I move, seconded by the Minister of Agriculture and Food (Ms. Wowchuk), that Bill 33, the Highway Traffic Amendment and Consequential Amendments Act; Loi modifiant le Code de la route et modifications corrélatives, be now read a third time and passed.

Motion presented.

Mr. Marcel Laurendeau (Opposition House Leader): Mr. Speaker, this is a bill where the Member for Lac du Bonnet (Mr. Praznik) had moved a couple of carefully drawn amendments. We were disappointed that the Honourable Minister could not support those amendments because we did believe that they would put a little bit more comfort for the people who were having their cars impounded and possibly some damage done to them.

But, Mr. Speaker, we do support this bill in the end, and we are prepared to pass this bill.

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

Some Honourable Members: Question.

Mr. Speaker: Bill 33, The Highway Traffic Amendment and Consequential Amendments Act be now read a third time and passed. Is it the pleasure of the House to adopt the motion?

Some Honourable Members: Agreed.

Mr. Speaker: Agreed and so ordered.

Hon. Gord Mackintosh (Government House Leader): Is it the pleasure of the House to call it six o'clock?

Mr. Speaker: The hour being past 6 p.m., this House is adjourned and stands adjourned until 10 a.m. tomorrow (Thursday).

CORRIGENDUM

Vol. L No. 78 - 1:30 p.m., Tuesday, August 15, 2000, page 5109, Division should read:

Division

A RECORDED VOTE was taken, the result being as follows:

Yeas

Dacquay, Derkach, Driedger, Dyck, Enns, Faurshou, Gilleshammer, Laurendeau, Loewen, Maguire, Mitchelson, Pitura, Praznik, Rocan, Schuler, Smith (Fort Garry).

Nays

Aglugub, Asper, Barrett, Caldwell, Cerilli, Chomiak, Dewar, Doer, Friesen, Jennissen, Korzeniowski, Lemieux, Mackintosh, Maloway, Martindale, McGifford, Mihychuk, Nevakshonoff, Reid, Robinson, Rondeau, Sale, Santos, Schellenberg, Selinger, Smith (Brandon West), Struthers, Wowchuk.

Madam Deputy Clerk (Bev Bosiak): Yeas 16, Nays 28.

Mr. Speaker: I declare the amendment lost.

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, August 16, 2000

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